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HUMAN RIGHTS AND DEMOCRACY IN ALBANIA

Y 4. IN 8/16:D 39/8

Human Rights and Democracy in Alban... G
BEFORE THE
SUBCOMMITTEE ON
INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTH CONGRESS
SECOND SESSION

JULY 25, 1996

Printed for the use of the Committee on International Relations



U.S. GOVERNMENT PRINTING OFFICE

44-975 CC

WASHINGTON : 1997

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-055850-6

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HUMAN RIGHTS AND DEMOCRACY IN ALBANIA

THURSDAY, JULY 25, 1996

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN
RIGHTS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:05 p.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith, chairman of the Subcommittee, presiding.

MR. SMITH. The Subcommittee will come to order. Good afternoon, ladies and gentlemen, and thank you for being here today.

Among the most important tests of our commitment to human rights is whether we are prepared to defend these fundamental rights even when it seems inconvenient or impolite to do so. During the cold war, American conservatives were often accused of deploreding human rights violations by Marxist-Leninist regimes while ignoring similar violations by right-wing dictatorships. During the same period, some on the American left seemed to find violations of human rights more objectionable, or at least more noticeable, when they occurred in Chile and South America and when they occurred in Cuba, China, or even Pol Pot's Cambodia.

I believe the human rights community has made some progress since then. All of us, liberals and conservatives alike, have come to recognize that bullets are just as lethal and torture just as degrading when they come from people whose economic and social views are generally those that we can endorse, as well as those that we oppose. Still, it can be tempting to explain away evidence of human rights violations when they are alleged to have been perpetrated by governments we are inclined to regard as friends. To overcome this temptation, and to hold our friends to the same standards as our foes, is our solemn obligation, I believe.

By any measure, Albania is a country that we should regard as a friend. In 1991, this nation suddenly emerged from over 40 years of the most brutal Stalinist dictatorship. In practically no time, it had become a country in which people have the right to vote, to speak, to publish, to practice their respective religions, and even to buy and sell their goods and labor on the free market. The United States and its allies in the free world regarded Albania, in many ways, as a model for other nations emerging from dictatorship.

Recent events have cast substantial doubt on this assessment, however. In September 1995, President Sali Berisha removed the Chief Judge of the Court of Cassation, the highest court in Albania,

shortly after the Court had issued a series of decisions adverse to the government. Some of these decisions concerned members of the ethnic Greek minority population in Albania. The removal of the Chief Justice appeared to violate the Albanian Constitution, but so far this action has been allowed to stand.

Then, in the period before the May 1996 parliamentary elections, the government took a number of steps which were characterized both by opposition parties and by internal observers as attempts to manipulate the upcoming election. These included a new election commission, all of whose seven members were government supporters; laws which excluded many opposition candidates from eligibility for office; and the arrest and/or harassment of many journalists and opposition leaders. Much of the opposition boycotted the election, and supporters of the government won 87 percent of the seats in Parliament.

Finally, on May 27, opposition parties organized a demonstration to protest the alleged electoral irregularities. The demonstration was broken up forcibly by police and many demonstrators, including some prominent opposition leaders, suffered severe injuries.

Defenders of the Berisha Government have pointed out to exit polls showing that the party probably would have won the election even if there had been no irregularities. They also suggest that the withdrawal of some of the opposition parties on the day of the election was a tacit acknowledgment of the government's popularity, and that allegations of systematic abuse of the Greek minority are greatly exaggerated.

Today we will hear the U.S. Government's official assessment of these arguments. We have also assembled a panel of six expert witnesses representing a wide range of viewpoints and perspectives on these problems. On behalf of the Subcommittee, I want to welcome our witnesses and thank you in advance for the insights that you will provide.

At this point, I would like to recognize the distinguished chairman of the Full Committee, Mr. Gilman of New York, and after that, Mr. King. And Mr. Gilman will take the chair at this time.

Mr. Gilman.

Chairman GILMAN [presiding]. Thank you, Chairman Smith and I want to commend the Chairman for holding today's hearings on Democracy and Human Rights in Albania.

I think it is necessary, at the outset of our proceedings, to emphasize the respect we accord the people of Albania for the progress they have made since 1991 when they succeeded in overthrowing one of the most repressive and regressive Stalinist regimes ever seen in Europe. I want to especially highlight the role played by President Berisha since coming into office in 1992 in the first free elections held in Albania; in jumpstarting Albania's economy, then one of the most backward in the world, and making it now one of the fastest growing in Europe. President Berisha has also taken dramatic steps to improve U.S.-Albanian ties which had completely atrophied in the past 50 years.

Albania's willingness to host our military forces and its enthusiasm for our nation in general should not be gainsay. It is for these reasons that what occurred in the period leading up to the national elections held in May and the immediate aftermath of

those elections that is extremely distressing to myself and to Members of our committee who share the Chairman's commitment to human rights and the democratic process.

I hope that this hearing will be able to establish a few basic facts about the recent elections. These should include that elections where all Albanians could vote to elect representatives from a wide range of political perspectives were scheduled and held and that there are many allegations of abuses of the process by the ruling Democratic Party of President Berisha, too many and too widespread to be simply discounted; that virtually all the major opposition parties withdrew from the elections just as they were about to be held; and that the Albanian authorities brutally suppressed demonstrations protesting the manner in which the elections were conducted.

It is also a fact that the International Republican Institute, which had observers in place, conducted exit polls indicating that the Democratic Party received somewhere between 56 to 60 percent of the votes, a result that indicates that the DP could have won the elections fairly without resorting to any of the abuses and irregularities that had been alleged. The institutions and practice of democracy need to be encouraged and nurtured. Democracy does not simply consist of conducting a ballot and counting the results.

In Albania, as elsewhere in the former Communist countries of Europe, we are discovering that instilling respect for full and true democracy is a difficult and long process requiring patience and persistence. While we may criticize Albania's latest attempt to move down the road of democracy, it would be a mistake, in my judgment, to conclude that its present government is incapable of fulfilling at least some of our hopes and expectations. President Berisha understands the difference between tyranny and a free society and I believe him to be committed to leading his country to the road of freedom. That road may be bumpy and twisted and we will need to constantly remind all Albanians what democracy means and what it requires.

A key argument which we can make in that regard is that democracy and the enjoyment of basic human rights is inextricably linked. Without human rights, there can be no democracy and a key human right is the ability to freely select the individuals who govern. When those individuals fail to respect and protect the enjoyment of human rights, the electorate has a right to replace them with others who will.

Many of the witnesses appearing today are friends from whom I have received much information regarding human rights and the situation in the Balkans over the past few years and it is a pleasure for me to welcome them to this hearing and we look forward to the expert analysis that they can provide.

I will be pleased to yield to my colleague, Mr. King, the gentleman from New York.

Mr. KING. Thank you, Mr. Chairman.

Mr. Chairman, I do not have any opening statement. I just want to commend Chairman Smith and you for holding this hearing. Obviously, the growth of democracy in Albania is a very important issue for this country and, indeed, for the European people and I look forward to the testimony. Thank you.

Chairman GILMAN. Thank you, Mr. King.

Our first witness today is Rudolf Perina, who assumed the duties of Senior Deputy Assistant Secretary of State for European and Canadian Affairs in February 1996. From 1993 to 1996, Mr. Perina was Chief of Mission of the U.S. Embassy in Belgrade. Mr. Perina joined the State Department in 1974 and has specialized in Russian, East European, German and NATO affairs.

Mr. Perina, we welcome you to the Committee. You may put in your full statement, you may put it in the record and summarize it, whichever you may see to be the best to you.

STATEMENT OF RUDOLF V. PERINA, SENIOR DEPUTY ASSISTANT SECRETARY OF STATE FOR EUROPEAN AND CANADIAN AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. PERINA. Well, thank you very much, Mr. Chairman, for this opportunity to appear before the Committee and discuss the human rights situation in Albania. This is a particularly timely moment for this hearing, given the concerns expressed internationally and within Albania about the May parliamentary elections. With your permission, I will submit a statement for the record and provide a brief oral summary of this statement.

I would like to begin with a few words about the historical context behind recent developments. Then I will address the flawed parliamentary elections and other concerns we have on human rights. Finally, I would like to describe the efforts the U.S. Government is making to overcome these difficulties and to encourage Albania toward healthy, multiparty democracy in the rule of law.

Mr. Chairman, as you know, Albania suffered for 45 years under Europe's most brutal Communist regime. In 1991, hundreds of thousands of cheering Albanians rallied in Tirana on the occasion of the first visit to their country of a U.S. Secretary of State. They wanted the totalitarian nightmare to end.

President Berisha's Democratic Party Government instituted bold economic reforms, a radical military reorganization, complete redistribution of agricultural land, wholesale privatization and liberal investment laws. The United States was a major supporter of post-Communist Albania. Since 1991, the U.S. Government has provided over \$200 million to support Albania's political and economic transition.

Given that record of support, it is with great regret that the United States has taken note of the serious setbacks to this young democracy in recent months. In particular, we are acutely disappointed that the parliamentary elections held in May were conducted in a fashion which weakened, rather than strengthened, confidence in Albanian institutions. The serious irregularities which marred the elections and the government's failure to take adequate measures to correct them cast a shadow on the prospects for democratic progress which remains the cornerstone of our relationship with Albania.

The judicial system has also experienced disturbing setbacks. The most serious was the unconstitutional sacking of the Chief Justice of the Court of Cassation in September, 1995. Although the government has undertaken some judicial reforms, the judiciary remains dominated by the executive.

As regards the ethnic Greek minority, there has been some progress toward addressing its aspirations for greater access to Greek language education and the return of church properties expropriated by the previous Communist regime. We are staying in contact with representatives of the Greek minority and will continue to watch developments in this area closely.

Mr. Chairman, let me turn now to what we are doing to address the political situation in the wake of the elections, which is at the top of our agenda. From the first reports of election observers to this day, we have made clear, both publicly and privately, our great concern about this backward step for the process of democratization. Multilaterally, our diplomatic efforts have focused on enlisting our European Union friends and OSCE partners in a joint effort to establish an international mechanism for investigating irregularities and recommending corrective actions. Bilaterally, we have underscored our concerns to both the Albanian Government and the opposition and made clear that future good relations with the United States depend on Albania's overcoming this setback.

While only Albanians can decide on the particular steps which need to be taken to further political consensus and reconciliation, we believe the following issues must be addressed:

First, political dialog. Political parties should strive to reach agreement on ground rules for upcoming local elections, promulgating a constitution and holding new parliamentary elections. We expect both the government and the opposition to take real steps toward reconciliation.

Second, local elections. It is important that these be free and fair and monitored by local and international observers. A broad spectrum of Albanian political opinion must have a say in preparing for the elections.

Third, constitution. A democratic constitution which promotes consensus is needed. To ensure broad-based support, one approach would be election of a constituent assembly which would draft a constitution to be approved by referendum.

Finally, new parliamentary elections. These remain a pressing requirement to promote political reconciliation and restore the faith of the Albanian people and the international community in Albanian democracy. One way to address this would be to hold new elections based on a new constitution.

The government and opposition parties have agreed to hold local elections during the last two Sundays in October. The United States will encourage a strong international observer presence at those elections. We welcome the dialog that the democratic and socialist parties have opened and hope that it is broadened to include other parties and that it leads to effective cooperation on steps to surmount the present political impasse.

Mr. Chairman, relations between the United States and Albania have evolved in recent years on the basis of Albania's respect for democracy and human rights. The United States hopes that government as well as opposition political leaders will remain committed to this course. At this time, however, when the foundation on which U.S.-Albanian relations has rested is weakened, we are initiating a thorough review of our relationship—a review which includes our assistance programs.

Mr. Chairman, that concludes my oral summary of my statement. I would be pleased to answer any questions you might have.

Thank you.

[The prepared statement of Mr. Perina appears in the appendix.]

Chairman GILMAN. At this time, I am going to ask if Mr. Lantos has any opening comments.

Mr. LANTOS. I do, Mr. Chairman, and I want to thank you for holding this very important hearing.

I have had a long-standing and very positive relationship with the Albanian ethnic community, principally in Kosovo but also elsewhere and, as you know, Mr. Chairman, after almost a half a century of a hiatus, I was the first American public official to visit Albania still under the old regime.

I must say that your statement, Mr. Secretary, strikes me as incredibly gentle and overly diplomatic. What the Berisha regime demands of the United States, and it will get it from the Congress and I am sure it will get it from the Administration, is unqualified outrage. You use the word "regret" in your prepared statement, which I do not think is anywhere near strong enough.

I visited Albania just a short while ago. I was subjected, as a Member of Congress, to the most outrageous police surveillance. I was subjected to having the automobile in which I traveled repeatedly stopped, our driver threatened. In addition, a singularly distinguished American citizen of Greek ancestry who was going to visit Albania with me, the author, Nicholas Gage, was prevented from entering Albania.

I find the Berisha regime totally reprehensible and I will commence a move in this Congress to suspend all aid until new elections are held and the human rights condition undergoes a dramatic change. The American people are not going to spend \$200 million on Albania to have Albanians of Greek origin persecuted and discriminated against.

As the founding Democratic co-chairman of the Congressional Human Rights Caucus, and I think I can speak for my Republican co-chairman, John Porter, who has been the leader on this issue in the Congress, we have seen human rights violations in many countries in many forms. What we are seeing in Albania today is an outrage. A few miles into Albania, coming in from Greece, I was witness to a sight that could be associated with Hitler's Germany. A brand new elementary school built by the community of an Albanian Greek village was burned to the ground. I talked to scores of Albanian Greek citizens who are terrified. They get no help from the police. They have no judges. They are living as second-class citizens subject to preposterous persecution.

As one who went to Kosovo and was greeted in Pristina with the accolades of the ethnic Albanian community which was persecuted by the Serbs, I saw the exact same situation in Albania. I think it is extremely important that this Congress, despite the fact that this is an election season and we are all preoccupied, give this issue the attention that it deserves. I think the Albanian ethnic population deserves our maximum support, both in Kosovo and in Macedonia, but I think the Albanian Government of Berisha deserves our unqualified condemnation and I find it incomprehensible that the State Department has not taken the initiative in cutting

off aid until new elections are held and until the human rights conditions of the persecuted Greek minority are dramatically changed.

I find it always distressing that the impetus has to come from Congress. It never comes from the State Department. In the case of Kosovo, those Albanians were persecuted, discriminated against, physically beaten and the State Department did nothing until we insisted that improvements take place. The exact same situation is now unfolding in Albania. If we do not have leverage vis-a-vis the Berisha regime, I do not know vis-a-vis what regime we will have leverage.

So I would like to announce, Mr. Chairman, that with colleagues across the political spectrum, I am initiating, within the next few days, a letter to the Secretary of State requesting, demanding, that aid be suspended, except in the case of ongoing humanitarian projects involving local communities. And the Albanian Government be advised that we will not see the re-establishment of a totalitarian and non-democratic regime following the collapse of the Soviet Empire and following the collapse of the previous Albanian Government. Whatever tendencies Berisha has along autocratic, authoritarian lines will have to be reined in.

I also must say, Mr. Secretary, that our charges des affairs with whom I met in Tirana, in my judgment, suffers from an extremely acute case of clientitis. Instead of being outraged at my report, his attempt was to whitewash and to minimize the human rights violations that the Greek Albanian community is subjected to and the indignities that a Member of Congress was subjected to.

I also have not yet seen any State Department action demanding that American citizens have every right to visit Albania when they choose to do so carrying a valid U.S. passport. We are not going back to the Stalinist days where it was possible to exclude people whom the local government did not like from visiting a country. This is simply unacceptable and I think the State Department did not cover itself with glory with its singularly timid, incomprehensibly weak posture in dealing with the Berisha regime.

Thank you, Mr. Chairman.

Chairman GILMAN. Thank you, Mr. Lantos.

Mr. Salmon.

Mr. Perina, you have stated that the Albanian Government should be addressing the question of political dialog with other parties as well as the question of free and fair local elections. Is it accurate that a dialog has begun and that the Socialists, among other opposition parties, agree that there will be a chance for Albania to restore its democratic credentials?

Mr. PERINA. Yes, sir. It is accurate to say that there has been a limited dialog which has started. Recently, there was, under the sponsorship of the Council of Europe, there was a type of round-table held between the Democratic Party and the Socialist Party. I stress that this is only one of the opposition parties. The main opposition party, but not the only one.

The dialog at this stage, from the reports that we have gotten, concerned largely the upcoming municipal local elections in October. But we do hope perhaps it is a beginning and we hope it can be expanded and that it might be a first step in trying to bring about some process of national reconciliation.

Chairman GILMAN. Can you tell us what reason the Albanian Government gave for refusing to receive a high-level delegation from our government? Did Berisha object to the delegation itself, or the terms with which he would have to meet with them? Was his objection justified?

Mr. PERINA. Well, you know, Mr. Chairman, the formal reason was simply that President Berisha would be unavailable to meet with this delegation because of his commitments and schedule. Of course, we were disappointed with this response.

Chairman GILMAN. Albania recently rebuffed a proposal by the OSCE chair and office to send a personal representative. Did the Albanian Government object to that proposal or the named representative?

Mr. PERINA. I am sorry, I did not catch the question.

Chairman GILMAN. Albania recently rebuffed a proposal by the chair of the OSCE to send a personal representative. Did the Albanian Government object to that proposal or to the named representative?

Mr. PERINA. I believe it was to the proposal. It was in general to the proposal, rather than the representative. The representative at that time was not still clearly identified.

Chairman GILMAN. Well, is it a justifiable rejection, do you think?

Mr. PERINA. No. We have strongly encouraged the Albanian Government to interact constructively with the international community in trying to resolve the problems stemming from these elections and, indeed, to take advantage of the assistance which is being offered by the international community in trying to resolve this problem.

Chairman GILMAN. Some of the defenders of the Albanian Government stated that the opposition parties saw they could not win the May election and therefore exaggerated the reports of irregularities. How did you assess those kinds of obligations?

Mr. PERINA. Well, in an event such as this, there are always aspects and different perspectives that one hears. We have really not seen any evidence of this. I, of course, could not rule it out that there was such an emotion or such a tendency at work.

What we did see, regrettably, though, were many instances of concrete irregularities in the voting procedure which, in the first instance, are the responsibility of the government which is running the elections.

Chairman GILMAN. Mr. Perina, what can our nation do to prevent Albania from sliding back into a dictatorship-type of government?

Mr. PERINA. Well, Mr. Chairman, I think we can do several things, which I have tried to indicate in my statement. We need to make clear to the Albanian Government that this is a very serious situation from our perspective; that this is not a problem which will go away without President Berisha dealing with it; that it is a problem he has to deal with.

Second, we should work with our allies. We are not unique in having this viewpoint on the elections. By and large, most of the Europeans, most of our allies, share this view. We should seek to make sure that this is a position that the Albanian Government

hears not only from us but from all other members of the international community.

But, third, I would say if our objective is not to allow the Albanian Government to slip into a new form of dictatorship, that we should keep in mind that our objective is not at this point to isolate this government from the international community, to fully cut off relations with it and to cut off our dialog with it. This is, after all, a country which has a long lamentable and historically documented tradition of isolating itself from the international community during periods of tension and these are the times when the greatest human rights abuses have occurred.

So I think we want to keep the Albanian Government engaged but make clear to it that this is a serious problem and that they have to deal with this problem and that this has affected the relationship with the United States and will affect the relationship until it is dealt with in some way.

Chairman GILMAN. Mr. Perina, with regard to engagement, how can we make sure that that engagement is going to be constructive and will provide for some genuine progress?

Mr. PERINA. Well, I think it is the nature of the firmness of the message we get across and we are, I think, getting some fairly firm messages to the Albanian Government. There have been communications at a fairly high level to President Berisha and to the Foreign Minister. We will continue doing this.

But as I stressed, we need to walk a certain fine line here, I would suggest, Mr. Chairman, which makes unmistakably clear our concern about the situation and the need to remedy it without offering the incentive for self-isolation on the part of Albania and on the part of the Albanian Government.

Chairman GILMAN. Thank you.

Mr. Lantos.

Mr. LANTOS. Well, I just would like to comment for the record, Mr. Chairman, that nobody is advocating isolating Albania. What those of us who are critical of the Berisha regime are advocating is for the Government of the United States, the worldwide champion of free and democratic societies, to express itself more forcefully and more effectively than it has in recent months.

That is the issue, Mr. Secretary. So do not set up a straw man and knock him down. No one is advocating isolation or self-isolation. What we are calling for is a much heavier involvement of our government along lines of strengthening democratic forces and persecuted ethnic and religious minorities. That is all we are saying. Self-isolation or imposed isolation has not been recommended by any member of this panel and I think it is important for you to understand that.

I also think it is very important to realize, and I would like you to answer this question, don't you think that our \$200 million dollars' worth of aid gives us some leverage and the aid which is in the pipeline give us some leverage to demand minimal observance of internationally accepted human rights standards by the Berisha regime?

Mr. PERINA. Yes, Mr. Congressman, of course it does. And, of course, if there is not a positive response, this will have very real consequences. And I think I indicated that with the statement that

I made that we are initiating a thorough review of all of our bilateral assistance programs.

I agree with you on this point fully and, Congressman, I was not implying that your comments suggested isolation or self-isolation of Albania. I was merely posing that this is one extreme that we should keep in our minds as something to be avoided, that there is sort of a fairly fine line here that we have to walk. But, certainly—

Mr. LANTOS. Why is it such a fine line to cross when we object to Albanians of Greek ancestry being beaten up, that members of opposition political parties are beaten up at election rallies? I mean, that is not a very delicate and sophisticated issue which has to be handled with kid gloves. We have not done that in other situations of comparable scope.

Mr. PERINA. Now, Congressman, I agree and I was not implying kid gloves or I was not implying a fine line in this particular instance. We should speak up very forcefully and very clearly on human rights abuses. And, if I might say, I am familiar with, for example, the experience you had when visiting Albania on your last trip and I can assure you we raised this very, very forcefully. The acting—

Mr. LANTOS. Well, when you raised it very forcefully following my late evening call from the charges' residence to Deputy Secretary Strobe Talbot, which was whenever it was, 2 months ago or longer, what has been the official response of the Berisha regime? Because I have not been advised of any response, Mr. Secretary.

Mr. PERINA. I am sorry, I thought you had been.

Mr. LANTOS. No, I have not been advised.

Mr. PERINA. There was a formal response provided which, in effect, said that the experience you had was not the result of any decision by the central government; that it must have been an unfortunate incident, a mistake by the policeman. I, of course, insisted—I was dealing with the Albanian ambassador, in fact, on this—I insisted that it be further investigated and that the policeman who was responsible be reprimanded or that it be followed up on.

And subsequent to that, I do not think we have gotten a response beyond that.

Mr. LANTOS. Well, I am not surprised, Mr. Secretary, because accepting this response and suggesting that the policeman involved be further investigated is analogous to telling the Iraqi Government that the policeman be investigated who refuses U.N. inspection of chemical or biological facilities, rather than recognizing that those orders come from the top.

I mean, I do not understand your answer, Mr. Secretary. Are you suggesting that you in the State Department believe that this was a haphazard action of an individual policeman?

Mr. PERINA. No. We were not satisfied with this response.

Mr. LANTOS. Well, but you just said that you wanted the policeman further investigated.

Mr. PERINA. Well, we wanted—

Mr. LANTOS. Because I find this mind-boggling.

Mr. PERINA. This was their version of the story, Congressman, and we wanted them to pursue it and we were indicating our skepticism that this version would be the case.

I am merely telling you the formal response which I am recollecting on the basis of memory which was given to this incident. We clearly have our view of this incident and we clearly believe that it was unacceptable, it was totally inappropriate, and it was damaging already at that time to our relationship.

Mr. LANTOS. But you have done nothing about it. You have done nothing about it.

Mr. PERINA. We have raised it very strongly with the government, Congressman.

Mr. LANTOS. And you are dropping it there. That is it.

Mr. PERINA. Well, it is still an open matter. We still have not gotten, I believe, a final response.

Mr. LANTOS. Well, let me say to you, Mr. Secretary, that such spineless behavior by the State Department is what gives the State Department so often a black eye. You simply cannot function this way. You simply cannot function this way when Members of Congress are harassed on a visit to a country, when highly respected U.S. citizens with a valid passport are refused entry, and we are pumping huge sums of U.S. taxpayers' money to prop up the Berisha regime. It is hard enough to gain support for foreign aid when foreign aid is given to governments which are democratic and doing their utmost to observe human rights. But to give a dime to a government which functions this way, I think it is an outrage and I find your attitude reflecting a spinelessness vis-a-vis Albania which I find profoundly deplorable. This is how you lose support on the Hill.

Chairman GILMAN. The gentleman's time has expired.

Mr. LANTOS. Thank you, Mr. Chairman.

Chairman GILMAN. Thank you, Mr. Perina, for being with us.

You want to put a statement in?

Mr. LANTOS. Yes, Mr. Chairman. Congressman Moran of Virginia, our colleague, is engaged in another hearing and I would like to ask unanimous consent that his prepared statement be entered in the record.

Chairman GILMAN. Thank you, Mr. Lantos. The statement will be put in the record.

[The prepared statement of Mr. Moran appears in the appendix.]

Chairman GILMAN. Now I want to thank Mr. Perina for being with us today. We now proceed to Panel No. 2.

Bianca Jagger is a member of the Advisory Board of Human Rights Watch and of the Executive Director's Council of Amnesty International U.S.A. For the last 20 years, Ms. Jagger has campaigned for human rights throughout the world. She also currently serves on the Board of Directors of the Action Council for Peace in the Balkans.

If our witnesses would take their seats.

Gramoz Pashko is a guest scholar at the Woodrow Wilson School of Eastern European Studies. One of the founders of the Democratic Party of Albania, the first anti-Communist opposition party in Albania, Mr. Pashko was twice elected to the Albanian Parliament. In 1991, he was appointed Minister of Economy and Deputy Prime Minister of Albania. In June 1992, he was expelled from the DPA and subsequently co-founded the Democratic Alliance Party.

Blendi Gonxhja is the director of International Relations in the Albanian Democratic Alliance. He is also a member of the founding committee of the Democratic Party.

Nicholas Gage currently serves as president of the Panepirotic Federation of America, Canada and Australia. From 1970 to 1980, Mr. Gage worked as a reporter and is a foreign correspondent for the AP, the Boston Herald Traveler, the Wall Street Journal and the New York Times. Mr. Gage has been a leader in the effort to assure human rights for the Greek minority living in Albania and has been an outstanding author.

Shirley Cloyes is the executive director of the Albanian American Foundation. She is a graduate of Oberlin College and has completed graduate work at Union Theological Seminary. Ms. Cloyes has traveled frequently to Albania.

Fred Abrahams is a consultant for Human Rights Watch/Helsinki on the southern Balkans. He worked in Albania from 1993 to 1994. He is the author of two Human Rights Watch reports, "Human Rights in Post-Communist Albania" and "Democracy Derailed: Violations in the Albanian Elections."

We welcome the distinguished panelists. Each and every one of you may submit your full statement for the record or summarize them as you see fit. And we will start with Ms. Jagger and I am going to turn over the chair momentarily to Mr. Salmon, a Member of our committee, while I have to retreat for a short visit with our delegation that is awaiting me and I will return very briefly.

Mr. Salmon.

Mr. SALMON [presiding]. Thank you.

Ms. Jagger.

STATEMENT OF BIANCA JAGGER, MEMBER OF ADVISORY BOARD, HUMAN RIGHTS WATCH

Ms. JAGGER. Yes. Thank you very much for giving me the opportunity to speak about Albania.

I was in Albania during the second round of the elections and what I would like to emphasize here is my concern about the situation of the media in that country because I think that we have here some very articulate spokesmen for the other issue.

I just wanted to go back a little bit and speak about what Albania was in the past. I think most of the people who are here know that they lived for nearly half a century under the most repressive Communist regime in Europe, almost completely isolated from the outside world. Albania was by far, and probably still today, the poorest country in Europe. The monolithic Albanian party of labor, led by the dictator Enver Hoxha and his successor Ramiz Alia, ruled the country with an iron fist. Thousands of political and ideological opponents were executed and tens of thousands of Albanians were imprisoned and tortured.

In 1967, Albania became the first State to officially bar all forms of religious practice. Hoxha, besides banning religion, forbade travel and outlawed private property. He sustained his repressive system by playing on the historical fear of outside invasion, which is a fear that is used by other governments in the Balkans as well. He broke ties successively with Yugoslavia, the Soviet Union and China and he claimed that his self-imposed isolation was the true

path to socialism. He hated the "Imperialist West" as well as the "Revisionist East."

He died in 1985. During the ruling of his hand-picked successor, Ramiz Alia, a slight liberalization took place until 1990, when in response to the change that was taking place throughout Eastern Europe the Communist was no longer able to resist the growing opposition to Communist rule at home. The government was forced to allow the formation of independent political parties and the ban on foreign travel and religion came to an end.

In December 1990, the opposition Democratic Party was founded. There were 19 members, of which only three are members today. The first multiparty election in Albanian history was held in March 1991. Everyone hoped that when communism was finally collapsed and a new government was elected in 1992, the long nightmare was going to be over. Washington believed—and I hope it was only at the time—that it had found its "man" in the unknown Apparatchik, a physician who worked closely with Hoxha, President Sali Berisha.

One thing that I would like to point out to you is that we have here among our panel two of the members of the Democratic Party Committee, Gramoz Pashko and Blendi Gonxhja. I was very impressed when I met Mr. Blendi Gonxhja in Albania because, as an outsider who came to observe the elections, one of the things that struck me was this skillful manipulation of information that President Berisha has been able to achieve by making people believe that he is the only means to attain a democracy in Albania and that all the rest are the red front, where here you have and you will hear from Mr. Blendi Gonxhja, who was a student who was an instrument in bringing down the Communist Government and being able to make possible the transition to a democracy in Albania.

[Whereupon, a videotape was played.]

Ms. JAGGER. There is Blendi Gonxhja at the time when he was fighting the Communist Party.

Chairman GILMAN [presiding]. Could you identify where and when this video took place?

Ms. JAGGER. Yes.

Blendi maybe will be more—

Mr. PASHKO. It was on May 28, 2 days after the elections in Albania. We were holding a peaceful demonstration in the main square. We did not carry—

Chairman GILMAN. Main square of what city?

Mr. PASHKO. Of Tirana. Skenderbeg Square, it is called.

Chairman GILMAN. Yes.

Mr. PASHKO. I was arrested a few minutes before Gonxhja. I saw him being dropped in front of me.

Chairman GILMAN. Please proceed, Ms. Jagger.

Ms. JAGGER. So what I wanted for you to understand is how inaccurate the description of President Berisha is, that he is fighting against all the Communists because nothing is further from the truth. The people who created the Democratic Party with him have all been expelled because they opposed his policies and because they feel that he has really turned away from the path of democracy.

And whether it is in the way he has dealt with the judicial system and how he has taken total control of the judiciary, or how he has intimidated the media, or how he has carried on probably the most fraudulent elections in post-Communist Eastern Europe, comes to show you that what we have and what we are facing in Albania is really the establishment of a totalitarian government.

And I will now tell you a little bit about the media because I will let my other friends explain to you the elections because I think it will be more appropriate that they do so.

Under the Communist regime in Albania, the media was primarily a means of political indoctrination. Journalists were viewed as spokespersons for the party, rather than objective voices. All news was censored by the State. Albania began the process of political reform during 1990 and 1991. Intellectuals, writers, and students played an important role publishing critical articles about the regime of Ramiz Alia calling for democratization.

In 1991, the Demokratike or Democratic Rebirth, the paper of the newly formed Democratic Party and the first non-Communist newspaper, was founded. Many other newspapers were established in the following months. For the first time in 50 years, the country experienced an open and free press.

It is common in countries which have experienced long oppressive dictatorship that newspapers remain tied to a certain political party, to a position or organizations and that the contents tend to be at first rhetorical and polarized. It is something that I have encountered in Latin America in many different countries, whether it is Nicaragua, or El Salvador, or Guatemala, where it is very difficult to have what you call an objective press.

After the victory of the Democratic Party in March 1992, the lack of "professionalism" was used by the Government of President Berisha to justify the adoption of several restrictive measures on the media. Throughout the following years until today, journalists have been imprisoned, savagely beaten, and I would like to introduce here a statement by one of the journalists and some photographs that the public and you could envision that I was able to bring out of Albania, including other photographs of other people who were beaten beside him.

Journalists have been imprisoned, savagely beaten, harassed, brought to trial, had their phones and their faxes cut off, precluded from having access to e-mail, taxed higher than alcoholic drinks or arms sales. And the papers have a newsprint tax of 25 percent, a 30 percent tax on the revenue, and a 15 percent tax on the advertisements. The distribution of the newspaper had been severely restricted. Furthermore, the newspapers are only delivered throughout 30 percent of the territory.

Throughout the years of 1993 and 1994, the situation for journalists has become increasingly difficult. In November 1993, a new press law allowed criminal proceedings to be initiated against several journalists. All of them were members of the opposition press. Five journalists were imprisoned the following year, although not all were convicted under the new press law.

In 1994, a number of violent incidents were committed against journalists by unknown assailants, just like they were against this journalist whose affidavits I am presenting you.

Nikolla Lesi, publisher of "Koha Jone," Albania's leading daily newspaper, had his home destroyed by a powerful bomb.

In December 1995, the law on the moral character of government officials banned all collaborators with the Communist Secret Service Police from working for the State media or any other newspaper with a daily circulation higher than 3,000 copies. Besides all these pressures against the press, there has been a series of specific measures to silence critical voices in the media; cases of physical assault, imprisonment and confiscations, all of which illustrate a consistent attempt by the Albanian Government to limit freedom of expression in the country.

It will be important for me to point out that the television, of which they only have one, is in the hands of the government, as well as the radio. And that the press is not allowed to have access to the e-mail.

The harassment became undoubtedly harsher before and during and after the elections, during the time that I was there. Many national and international reporters were savagely beaten either by the police or by persons of the Secret Services. I did meet with those journalists myself.

Members of the Albanian media were arbitrarily detained by the police or members of the security forces. Besides being beaten, they had their equipment and film confiscated. By persons he later identified as members of the Secret Service, Mr. Lala was beaten over the head 28 times. Beaten with a revolver. And his torturers fired the revolver four times in immediate proximity of his temple. It is believed, and I have not had any confirmation, that he was castrated by his attackers. As a result of this abuse, Mr. Lala is currently suffering from severe depression and has not resumed his work. He has denounced his case to the office of the prosecutor.

The same day, Shpetim Narzako, director of Dita, was severely beaten by a member of the security forces of the government.

Chairman GILMAN. Ms. Jagger, if I might interrupt. If it would be possible to summarize and put your full statement in the record. I am going to ask our other panelists if you could be kind enough to try to limit your remarks. We do have five other panelists and we have limited time and I would like to be able to give my colleagues an opportunity to question the panels.

So, Ms. Jagger, if it would be possible to summarize.

Ms. JAGGER. Sure.

Chairman GILMAN. Submit your full statement for the record and, if you do have a statement, we would like to make copies of it for our Members.

Ms. JAGGER. I will.

I wanted to finalize by saying that I wanted to leave you with the thought that if aid is cut to Albania, which is a dilemma that I had with Nicaragua, maybe Congressman Lantos could go to the civil societies and to private institutions that will then allow the people of Albania not to be left in the state of poverty in which they live, and to take it away from the hands of the government may be a way out.

The other thing that I wanted to point out is how important I think that the support of Congress will be for these members of the press, besides the political members of the opposition parties. And

I think that is why it is so important that you have these hearings that will send a message that you are watching over what is happening in Albania today.

Thank you very much.

Chairman GILMAN. Thank you, Ms. Jagger, and thank you for your concern and for your statement. We will make copies of the statement for our Members.

[The prepared statement of Ms. Jagger appears in the appendix.]

Chairman GILMAN. I am going to resort now to our time lights. They go from the beginning to the red light. The green light at the beginning, and for a 5-minute period. So try to be guided by our time limitations.

Mr. Pashko.

STATEMENT OF GRAMOZ PASHKO, GUEST SCHOLAR, WOOD-ROW WILSON SCHOOL OF EASTERN EUROPEAN STUDIES

Mr. PASHKO. Thank you, Chairman Gilman. It is my honor to speak here and I was most glad to see Albania, my country, 2 months before the elections, being submitted to the same sub-committee for the problems prior to the elections. I was glad to see that some criticism came out from people here testifying about the process of elections in Albania and I went to Albania more than happy because I thought my government would listen a little bit to some criticism from a friendly country and a friendly Congress. But, apparently, it did not happen.

So returning to the Albania campaign was very tough. Not only the campaign itself, but the election day was very tough. And what happened after the elections was very tough.

Why so? I have known President Berisha since the early years of anti-Communist opposition when we had been together founding the first opposition party in Albania, the Democratic Party, and I was impressed by his acute intelligence, capacity for leadership, and candor. Later on, these qualities, which made him enormously effective as a position leader, had been put to ill use since he became President. He became stubborn, intolerant and ready to trample on principle when he thought his own position was threatened. More than anything, he cannot handle criticism or opposition. He has eliminated all contrary voices within his party. Out of the anti-Communist movement, only two of the leaders of the 1990's are still with him today. I was expelled in 1992 for criticizing his authoritarian habits. After expulsion, I declared, "Power is showing its teeth. In the name of freedom and as a Parliamentarian deputy, I feel obliged to declare that dictatorship is knocking again at the door of Albania." It was in 1992.

Then he went on with Fatos Nano, the leader of the Socialist party, who has been in prison since 1993. The chief judge of Albania, Zef Brozi, was sacked last year. And also, a few months later, Eduard Selami, the Democratic Party chairman, was fired for criticizing Berisha.

During the campaign, Berisha showed that he not only could not accept criticism but also other kinds of opposition to him. His message was that, "I'm the only Democrat and the rest are part of the red front." So he wanted to present only himself as the flag of democracy.

What followed the election day, I am only going to quote a few paragraphs of the OSC report because I do not want to appear biased because I was running myself. But "The number of polling stations," quoting the OSC report, "including Tirana, Berat and Kukes, observers saw unidentified persons and armed civilians. They were often playing an active role in the process, and locals identified them as secret police.

"The intimidating presence of police," still quoting, "at opposition rallies combined with police favor to prevent Democratic Party supporters from blocking roads and thus preventing opposition supporters from attending rallies, added to the close identification of the government and its security apparatus with the ruling party."

I have a few pictures which you have in the documents about how the election process was done and how it was recognized that these pictures show themselves. But let me go to some of the moments during the counting process, what had happened.

"In Berat an observer team noted that turnout in one polling station was 105 percent. In another polling station there were too few signatures in the voter register compared with the number of ballots in the ballot box. Extra signatures were added to the voter register in the presence of observers.

"In Berat an observer team was advised to leave the polling station during the counting process.

"In Kukes, an observer who understands Albanian overheard the chairman of a polling station phoning somebody to apologize for not being able to deliver the 'required result' due to the presence of international observers. Other observers noted that ballot boxes were not properly sealed," et cetera, et cetera.

So, on the 28th, you saw in the video what had happened after the opposition parties decided to manifest on the street in a peaceful way and how we have been treated by the government police.

I want to conclude only with one fact. I will give you my testimony—a hard copy of it. But I will tell you only one fact, that after this brutality of police you saw there, we—my colleagues and I—we have a call from the public attorney in Albania pending for organizing a peaceful manifestation and those criminals, the policemen that beat us, jailed us, make Blendi Gonxhja drop like that, they are promoted these days in Albania.

Thank you.

Chairman GILMAN. Thank you, Mr. Pashko.

[The prepared statement of Mr. Pashko appears in the appendix.]

Chairman GILMAN. Mr. Gage.

STATEMENT OF NICHOLAS GAGE, PRESIDENT, PANEPIROTIC FEDERATION

Mr. GAGE. Thank you, Mr. Chairman. I want to applaud you and the Committee for holding this hearing on Human Rights and Democracy in Albania because this unfortunate country is once again heading toward one-man rule and only the strong efforts of the democratic world, especially the United States, can save it from sliding back toward dictatorship.

I am here to speak about the Greek minority, but I am equally concerned about deprivation of political rights for all Albanian citizens because only where democratic institutions function freely and

the rule of law applies equally to all citizens can any minority feel secure.

The state of democracy in Albania today can be seen in a few figures. In the Albanian Parliament today, members of Berisha's party hold 122 out of 144 seats and there are seven deputies from other parties. Eleven elected deputies are boycotting Parliament in protest to the fraudulent elections of May 1996. In those elections, Berisha's party "won" 87 percent of the seats, something that is impossible in any real democratic country. I do not know in history where that has ever happened where elections were free.

Berisha is so determined to maintain this lopsided version of parliamentary government that he has refused to meet with emissaries of the State Department and even Members of Congress, most recently Eliot Engel, who is a member of the Albanian Issues Caucus.

Today, Albania is the most repressive and least democratic nation in the post-Communist world. I will leave to other witnesses to describe how repressive, but I want you, as you listen to them, to keep in mind that while all citizens suffer under despotic government, those who suffer the most are the minorities. Ethnic Greeks, therefore, are the most unfortunate victims of Sali Berisha's rule. Their most immediate concern is safety. On a daily basis, their homes and businesses are robbed, their schools are burned down, their churches are desecrated by thugs, while the authorities look the other way. Even when there are fatalities, the authorities remain indifferent. This is because the ranks of police commanders and prosecutors in the southern region where most Greeks live not only have been purged of minority members, but they have been filled with officers imported from the north so that they will have no ties to the minority.

The Berisha Government has cleansed Greeks from all positions of power, from the police, from the judiciary, from the courts, so that the minority will feel totally helpless. And another way that they are trying to persecute ethnic Greeks is to restrict the availability of education for their children in their mother tongue.

One of the first actions of the Berisha Government was to shut down seven schools that had been opened by the previous Communist Government. There is less Greek being taught today under so-called democratic government in Albania than there was under the Communists.

A new education law theoretically expands the right of minorities to learn their mother tongue, but it leaves to the government the option of setting up restrictions. And the most Mr. Berisha has done is to insinuate that he will open the first grade of three schools this fall. At that pace, it will take 8 years before they become full primary schools.

Ethnic Greeks in Albania see such actions as a message that their children will not be educated, that they are not safe, and that they should be moved south to Greece. This is a form of ethnic cleansing—subtle ethnic cleansing, nonetheless.

The government has also refused to return church property and, because of international pressure on this issue, it moved to declare 21 houses of prayer part of the country's architectural heritage and transferred them to the Ministry of Culture. Of the 21 properties,

18 were Orthodox churches, one was a Catholic church, and two were mosques. This shows that the Berisha Government either is especially partial to seizing Orthodox properties or it puts very low value on the architectural merit of Catholic and Moslem edifices.

I have visited Albania five times and during those trips, I came to understand that the troubles of the Greek minority are created by the government and not by the Albanian people. Greeks and Albanians get along extremely well with each other, if they are left alone. I strongly believe there are so many bonds between Albanians and ethnic Greeks that if they are free of government pressure, both groups will join together to move the whole country forward to take its rightful place in the family of European nations.

For that to happen, however, a free press and an independent judiciary and, most of all, real democratic institutions must be allowed to develop in Albania. In the fraudulent elections of May 26, Sali Berisha demonstrated that he cares nothing about democracy and his only concern is maintaining his own power using any means necessary. That is why the international community, led by the United States, must act together to compel Sali Berisha to hold new national elections under international supervision as soon as possible.

As "The Washington Post" just recently wrote, "If we do not stand up for democracy in Albania, where are we going to do it?"

Thank you.

[The prepared statement of Mr. Gage appears in the appendix.]

Chairman GILMAN. Thank you, Mr. Gage.

Our next witness is Mr. Gonxhja.

STATEMENT OF BLENDI GONXHJA, DIRECTOR OF INTERNATIONAL RELATIONS, ALBANIAN DEMOCRATIC ALLIANCE

Mr. GONXHJA. Thank you for giving me the chance to speak.

Dear Chairman, Mr. Lantos, in December, 1990, the students of Tirana marked the anniversary of the death of John Lenin at a semi-illegal gathering. We sang dozens of times that unforgettable Beatles' song, "Power to the People." We left the gathering halfway through and started a protest rally that sparked a nationwide movement to overthrow the rotten Communist leadership of Ramiz Alia, the successor of Enver Hoxha. The man chosen by Alia to mediate with the students, one of whose leaders was myself, was Sali Berisha, now the President of my country. I was a member of the founding committee of the Democratic Party, which is in power in Albania today.

In February, 1991, 726 students went on a hunger strike to demand the removal of the hated name of Enver Hoxha from Tirana University. This strike, of which I was chairman and chief negotiator, inspired the people of the capital to overthrow the hollow statue of the dictator in Tirana's main square. This day has entered history as the symbolic farewell to the old regime.

After 50 years of extreme isolation and tyranny, we Albanians embarked on the road to democracy with tremendous hopes. Our idealism has been generously supported by the United States and the democratic West. Now, years later, this democracy has been eroded and this support has been betrayed.

The large-scale vote rigging and violence used by Berisha and the Democratic Party in the elections of May 26 this year were not entirely unexpected events. As early as late 1991, Berisha's authoritarian tendencies had begun to cause concern in the democratic movement in Albania. Today, hardly any of its founders remain in Berisha's Democratic Party, which has become notorious for its corruption and intolerance of dialog. In 1993, many of the Democratic Party's original members founded the Democratic Alliance, aiming to preserve the ideals of December.

Western human rights organizations such as Human Rights Watch, Amnesty International and the International Helsinki Federation have painted an increasingly bleak picture of human rights in Albania. The U.S. Government has also expressed its concern, especially in the most recent annual report of the State Department.

Long before polling day, it had become clear to the Albanian public that Berisha and the Democratic Party were prepared to resort to improper methods in order to remain in power. The so-called "Genocide Law" was passed specifically in order to eliminate many outstanding members of the opposition from the electoral contest. A new Electoral Law left the administration of the polling stations and the counting of the votes in the hands of the State. The State-controlled television glorified the ruling party and resorted to montages and falsification to cast slurs on the opposition. Many opposition rallies were banned by the police. State resources were used to plaster the streets with pro-government posters and banners, just like in the time of Enver Hoxha.

I myself was a candidate for the Democratic Alliance in the constituency that included the Tirana University campus. This was a very strategic point of—

I was prevented from holding any electoral meetings, even in the very hall where I led the students on their hunger strike 5 years ago. At the same time, the Democratic Party candidate held at least 18 meetings, using all the resources of the State administration, the police, the National Intelligence Service, et cetera. Even the university authorities promised that students who failed their exams would pass immediately if they helped the Democratic Party campaign. My own effort to hold an electoral meeting led to my arrest.

The electoral rolls prepared for the May 26 elections involved many irregularities. They were published late and included fictitious names and even the names of the dead. In my constituency, 1,500 new names were mysteriously added to the electoral roll on the day before the elections.

The events of May 26 have been described by many international observers, including Human Rights Watch and the International Helsinki Federation. At 11 a.m. that morning, I tried to go to the American Embassy to describe what was happening. A few hundred yards from the embassy, two police chiefs and their bodyguard blocked the sidewalk. One of them said to me, "Will you win the elections, Blendi?" while his colleague directed the foulest insults toward me and the bodyguard gave me a karate chop on the back of the neck.

The opposition, i.e., the Socialist Party, Democratic Alliance, Social Democratic Party and the Democratic Party of the Right, withdrew from the elections at 5 p.m. that day. Their decision was based on information coming from constituencies nationwide. They had learned that voters were being subjected to harassments, members of polling station commissions and observers were being denied their right to participate in the electoral procedures, and that their protests were being met by violence from the police.

The polling stations closed at 10 p.m. By then, they were manned solely by the officers of the Democratic Party and its satellites. At 11 p.m., the Democrats were celebrating their victory with champagne and gunfire.

This electoral farce led to immediate protests from the Albanian opposition and internationally. On May 28, the opposition called for a protest rally in Tirana's main square. In a display of brutality in front of the cameras of the world media, riot police beat with truncheons the leaders of the opposition and dragged them to police vans.

That afternoon, I returned to protest my medal that I received from President Berisha in 1993. Since that time, many international organizations have added to the chorus of the protest. Resolutions by the Council of Europe, European Parliament and only declarations by the U.S. State Department have called for a repeat of the elections on May 26. Berisha has so far turned a deaf ear and has obstinately declared that the next Albanian elections will be only in the year 2000.

The leaders of the democratic movement of 1990 have seen their ideals betrayed. Unless democratic standards are restored, Albania faces a wretched future under an increasingly corrupt authoritarian and adventurist tyranny.

The Albanian opposition thanks the United States and the international community for its concern for the fate of democracy in our country. This concern is a guarantee for the efforts of the great majority of Albanians who believe that their country can become a worthy and equal partner at the common table of free peoples. We ask the United States to increase its pressure to ensure that Albania does not fall back into the darkness of dictatorship.

Thank you.

[The prepared statement of Mr. Gonxhja appears in the appendix.]

Chairman GILMAN. Thank you very much.

Ms. Cloyes.

**STATEMENT OF SHIRLEY CLOYES, EXECUTIVE DIRECTOR,
ALBANIAN AMERICAN FOUNDATION**

Ms. CLOYES. Thank you, Mr. Chairman, for the opportunity to testify here. I will attempt to follow your directive to summarize the contents of my testimony and present it to you for submission in its entirety.

Chairman GILMAN. Thank you. The full record will be received.

Ms. CLOYES. I want to preface my remarks by saying that in 1990, when I was publisher of Lawrence Hill Books and began the process of publishing the first and only book on the former Yugoslavia written from the perspective of Muslim, Croatian, Serbian,

and Macedonian anti-war journalists, I had little knowledge of the history of Albania and none at all of the role that it played and still plays in the Balkan conflict.

It was former Congressman Joseph DioGuardi and the board of the Albanian American Civic League who described to me in vivid detail a Tirana of just a few years ago in which citizens, wearing nearly identical suits, moved furtively through the main square, where now, as I have witnessed, a multitude passes and mingles daily; a Tirana in which only government officials were allowed to own cars, where now hundreds of automobiles traverse the streets; a Tirana in which there was almost no commercial activity amid an absolutely threadbare existence, in which now, as I have witnessed, free enterprise is flourishing, along with foreign investment.

In addition to the fairly extensive academic research that I have conducted in relation to Albania since 1991, I have heard numerous personal accounts from Albanians—from Vlore to Durres, from Shkodra to Tirana, and in the diaspora from Tetova to New York City—of the barbarous treatment that Albanians suffered for 50 years at the hands of Communist dictator, Enver Hoxha. I never knew the Albania that, prior to the collapse of communism, had cut off all of its communication with the rest of the world and was quite typically referred to as a “prison without walls.” However, since 1993, I have met the survivors of the old Albania and made three trips there, including a delegation joining with Congressman Gilman, who was on route from Athens to Tirana, to discuss Greek-Albanian relations with President Sali Berisha. This was in August 1995. I know the face of the new Albania and nothing, including the recent elections, has altered my belief that Albania’s movement from the most brutally repressive and centralized Communist regime in Europe to a nascent democratic society in the space of only 4 years, is an astonishing accomplishment worthy of our respect and, much more important, our support.

It is also the case that nothing has served to dispel my concern about the glaring contradictions between American and Western responses to Albania and the 3.5 million Albanians who reside outside its borders and the rest of the region. The May 1996 elections were far from unblemished and I am not here, I assure you, to argue otherwise. But I *am* here to place the elections and their aftermath in a context that hopefully will help move us from political expediency to justice in our dealings with Albania and the Balkans. For 50 years, there was no consistent or considerable outcry against the ferocious totalitarianism of the Hoxha regime. Where was the world’s indignation when Albanians lived on the brink of starvation and in a constant state of fear? Since the collapse of that regime 5 years ago, Albania, with minimal support and recognition for making a peaceful transition to a democratic State and for undergoing a thorough restructuring of its economy, has groped into the late 20th century. Why have we been so sparing in our response to this transformation? Why have we rushed to the judgment—I am not talking about people in this room, I am talking about our media; I am talking about some of our government; I am talking about the West—why have we rushed to the judgment that, in view of the May elections, Albania must now be isolated, ex-

elled from the Council of Europe, and subject to economic sanctions? Why do we want to undermine a democratic regime that is attempting to get a devastated country on its feet?

In the orchestrated condemnation of Albania that ensued after the parliamentary elections, little mention was made of Albania's history and the country's tremendous fear of a return to communism. Almost not a word was uttered about the not insubstantial attempts by freelance operatives to unseat the Berisha Government. No acknowledgment was made of the enormous pressure that the Albanian Government is undergoing in its attempts to keep the Albanian populations just outside its borders from exploding from oppression and repression at the hands of Slavic regimes. No credit was given to the Berisha Government for the abiding co-operation that it has given the United States in our efforts to prevent a spillover of the war in Bosnia and the destabilization of the southern Balkans. For example, while the Macedonian Government was busy denying the rights of the huge Albanian population in that country, Albanian President Berisha was cooperating with our foreign policy directives by aiding that fragile regime to overcome the Greek blockade.

In August 1995, I interviewed the heads of all the political parties in Albania and had wide-ranging discussions with government officials and professionals in many fields about the impact of the referendum on the constitution, the progress of land reform and economic development, and the status of the press and the judiciary. It was clear to me then that while more progress indeed has to be made to make Albania a full-fledged democracy, the Socialists would be readily defeated. When the world denounced Albania for instances of election fraud on May 26, 1996, scant attention was paid to the fact that the Socialists, in a transparent effort to discredit the parliamentary elections, withdrew from them hours before the polls closed. The events of the next day, when the police over-reacted to a Socialist demonstration that was conducted without a permit, were deftly used by the former Communists to play to the Western press—this is apart from what we have seen happen to seven of the demonstrators. Parenthetically, these were the very same people who, under the former Communist regime of Ramiz Alia, caused the death of 12 people in 1991, when Berisha's newly formed Democratic Party challenged the Communists in the first open elections in Albania. Ironically, most of the West declared those elections free and fair.

It should also be noted, I believe, that the OSCE Parliamentary Assembly issued a press release on May 27, stating that the delegation believed that Albanian legislation "does provide a basis for free and fair elections and for the will of the people to be expressed." They also acknowledged that the media performed well in informing voters about the electoral process. Berisha complied with their recommendation to hold another round of elections in certain districts. Once again, the Socialists abstained from participating and commanded international press attention. While the violence that wounded seven people in the first round was not repeated, the massive negative press about Albania led to immediate repercussions for the Albanians in Kosova, where police roundups intensified, and for the Albanians in Macedonia, where the founders of the

private Albanian-language University of Tetova were seized and jailed for 1 year.

Finally, Mr. Chairman, I cannot conclude without commenting on the hearing conducted in June by the Congressional Human Rights Caucus, which to my dismay is to a great extent being replayed here. I was astonished to see in June that what should have been a forum, in my opinion, for the U.S. Congress to shed light on Albania and the May elections instead became a platform for individual operatives deeply tied to part of the Greek American lobby, who have been using the controversy surrounding the Albanian elections to gain support for their personal ambitions and political objectives, especially in southern Albania.

It goes without saying that unresolved problems related to the ethnic minorities in both Greece and Albania are legitimate topics of inquiry that should be aired publicly. But it appears to us and to the Albanian American community highly irregular and inappropriate for a congressional hearing on the Albanian elections to be used for this purpose. In addition, the integrity of the hearings was undermined by the choice of panelists who remain on one side. The only Albanian chosen to testify was Gramoz Pashko, a well-known former Communist who has opposed Sali Berisha from the beginning in his own quest for power and who has little or no following among democratic forces in Albania or in the diaspora. And, on the other hand, Nicholas Gage, who is with us today, a highly visible Greek American spokesman who, in fact, does not represent the Greek Government or the majority of Greek Americans, has been outspoken about his desire for the overthrow of the Berisha Government.

I hope that this is the direction we are not going to go in. If we are truly invested in peace for the Balkans, for which so many people have given their lives, I hope that we will finally address what has not been addressed at the Dayton Accords—that if we want to prevent the spread of extreme ultranationalism, and the continuation of genocide in Europe, then I hope finally we will address the Albanian question in its entirety, which lies at the heart of the Balkan conflict.

Thank you.

Chairman GILMAN. Thank you, Ms. Cloyes.

[The prepared statement of Ms. Cloyes appears in the appendix.]

Chairman GILMAN. Mr. Abrahams.

STATEMENT OF FRED ABRAHAMS, CONSULTANT, HUMAN RIGHTS WATCH/HELSINKI

Mr. ABRAHAMS. Congressman Gilman, Members of the Committee, thank you for inviting me here to speak today.

I have just returned from a research trip to the area of the Balkans inhabited primarily by Albanians, namely Western Macedonia, Kosovo and Albania itself. My findings confirm that ethnic Albanians face daily discrimination in Macedonia and Kosovo, both of which deserve congressional hearings of their own. At the same time, the trip stiffened my resolve to document and publicize the human rights violations that are taking place in Albania itself.

The current situation in Albania is well illustrated by the case of 27 intellectuals who signed a memorandum to western govern-

ments on June 9. In their appeal, they pleaded for the west to support democratization in their country since, "the electoral farce of May 26 is taking Albania on the final steps toward the restoration of a dictatorship."

The veracity of their statement may be a matter for debate. But surely we agree that every individual has the right to express such views in public without fear of retribution. Albania's Law on Fundamental Rights and Freedoms also protects the right to free speech.

Unfortunately, such laws are not respected. The signatories of the memorandum and their families were attacked in the State-run media for being spies and Communists. Some received harassing phone calls, while others were threatened with losing their jobs.

The case is not extreme, but very typical. Since coming to power in 1992, President Berisha and his ruling Democratic Party have systematically turned against those with views different from the State. Critics of the Democratic Party were considered enemies of democracy or, by deduction, friends of communism. President Berisha utilized Albanians' fear of a return to the past to justify the elimination of his rivals. As a result, the executive power is firmly in the control of the media, the judiciary and, after these elections, the Parliament.

The 27 intellectuals are a light example. But others, like journalist Bardhok Lala, were not so lucky. Two days after the elections, he was hauled off in a Secret Police van, badly beaten and left for dead in a Tirana lake. Members of Parliament, opposition activists, and even foreign journalists have suffered similar abuse.

Despite acknowledging irregularities in 17 electoral zones, the Albanian Government has still not identified those who violated the law. Seven policemen were allegedly punished for the beatings that took place on May 28 in Skenderbeg Square. But, according to sources at the Interior Ministry, one was fired while the others have only been transferred. Meanwhile, a court case has been opened against the opposition members who organized the rally and were beaten.

When I was in Tirana last month, the phone lines at the Socialist Party headquarters had been cut since the elections. The largest daily newspaper, Koha Jone, and the main human rights organization, the Albanian Helsinki Committee, were experiencing similar technical difficulties.

The media is still strongly controlled by the State, which keeps the population from obtaining a balanced picture of the situation. There are many private newspapers, but they are restricted by repressive press law and obstacles to their distribution. Since 1992, a large number of journalists, including foreign correspondents, have been harassed, arrested or beaten after writing articles that were critical of the State.

The key is television and radio, which are strongly controlled by the government. Even the largest daily newspaper, with a circulation of 50,000, cannot compete with the biased television news which reaches every home.

After much delay, Parliament is about to review a law that would legalize private television and radio. But, according to the current draft, licenses to broadcast countrywide programs require

the approval of the Prime Minister. Article 4 of the draft law guarantees the opening of radio and television programs when they, "protect the national character."

The status of the Greek minority has been a prominent issue in Congress of late. While I do not deny that some problems exist, in general the problems of the Greek minority are related to the problems of democracy in Albania as a whole and should not be viewed solely in their ethnic context. The truly endangered minority in Albania is reform-minded Democrats, whether they are ethnic Greeks or Albanians, and attempts to stress wide-scale ethnic discrimination are, in my opinion, an exaggeration.

The problem now is to put democracy back on track in Albania. The opposition parties are gradually falling apart while the Democratic Party is consolidating power. I do not doubt that Albania will soon be facing a one-party State. For this, the international community is partly to blame. Albania has a long history of strong leaders, from Enver Hoxha to King Zog, and I believe the west encouraged Berisha's autocratic tendencies by consistently lending its unqualified support to the Democratic Party, despite obvious signs that human rights abuses were taking place.

And, in closing, working for dialog among the political forces in Albania is, indeed, an important step. But calling for dialog assumes that all parties are interested in sitting down at the table—and this is an assumption that I do not think we can make. One positive move would be for the international community to state unequivocally that it does not respect the outcome of this fraudulent vote.

Thank you.

Chairman GILMAN. Thank you, Mr. Abrahams.

[The prepared statement of Mr. Abrahams appears in the appendix.]

Chairman GILMAN. I want to thank all of our panelists. We are going to be called to the floor for a vote, but I am going to ask my colleagues if they would restrict themselves to one or two questions so we can move toward closing up our hearing.

Mr. Lantos.

Mr. LANTOS. Thank you, Mr. Chairman. I want to commend all of our witnesses. I just have a couple of very brief questions.

Ms. Cloyes, you are quite correct in saying that Albania had the despicable police state for two generations, which isolated the country and subjected the population to horrendous dictatorial conditions. The issue that we are concerned with is not that conditions are better today than they were under Hoxha and Ramiz Alia. That is self-evident. What we are concerned with is that the Communist empire collapsed in Europe, including Albania, and we are appalled at the return of a dictatorial one-party regime to a small country which the United States is supporting with enormous generosity. That is the issue. We did not give \$200 million to Elver Hoxha in a brief period of time, or to Ramiz Alia. We had no relations with them and they did not receive one dime of American taxpayer money. What they are now receiving is huge assistance paid for by American taxpayers and we insist here and elsewhere that the recipient governments maintain internationally acceptable human rights standards and not re-establish a one-party dictatorship.

I only have one brief question. You talked about your visits to Tirana, which I listened to with great interest. Did you visit the southern part of Albania where the Greek ethnic community lives?

Ms. CLOYES. The southernmost point of Albania that I visited is Vlore. I have not made an extensive trip through the Greek regions. I have read extensively, including the status report by Max van der Stoel, the high commissioner on national minorities on the situation of Greeks in southern Albania, as well as the situation of the three million Albanians in Greece, something that I hope will begin to have parity in the discussion about this issue. And I would hope very much that perhaps the Congress could encourage a delegation of both Members of Congress and private citizens to both areas to finally resolve this problem, because I see very, very disparate and contradictory reports from human rights officials about what is going on and what some people have stated here today.

Mr. LANTOS. How much time did you spend in southern Albania?

Ms. CLOYES. I only was in southern Albania for 1 week.

Mr. LANTOS. Thank you very much.

Chairman GILMAN. Thank you, Mr. Lantos.

Mr. Payne.

Mr. Payne, could you limit it to one question, if you would, so we can wind up?

Thank you.

Mr. PAYNE. Well, because the time is late, I will not ask a question. Just to say that I certainly commend you for calling the hearing and I think that the issues of this nature which tend to be complicated, many times opinionated by virtue of who is reporting, the only way that we are really going to try to find the truth is by having continued dialog like this and, also, for us to take the time to visit the region and spend time and talk to all parties.

And it is difficult when new democracies—democracy is very difficult. It is not easy to do. We find in the areas where democracy has been installed, we see increase in crime. We see increase in a lot of things that are negative that were not there previously because of dictatorial regime. So democracy is not easy. It is a tough thing to do. I think we should strive for trying to improve the quality of life for people and so I am here to listen and to learn and I am going to study the issue much more thoroughly and, hopefully, we can get an opportunity to visit the region.

Chairman GILMAN. Thank you, Mr. Payne.

Mr. Moran.

Mr. MORAN. Thank you, Mr. Chairman.

Mr. Chairman, the defenders of the Albanian Government suggest that by us condemning the election, criticizing the election procedures and, of course, all of the very important information we got today, that inadvertently we would be strengthening the Socialist Party which they suggest consists largely of unreconstructed ex-Communists. I want to get some feedback from that because, invariably, there is a law of unintended consequences that operates in almost all of our foreign policy. That was the one question I wanted to ask.

The second was that the impact of this treaty that was just ratified between Greece and the Albanian Government, there is a lot of good words here. I am sure a lot of sincere intentions. And I

would like to know what impact that treaty between the Greek and Albanian Governments might have on many of the situations that we have discussed today.

Chairman GILMAN. If our panelists could limit their statements, we have 5 minutes left for the remainder of the hearing.

Please, who would like to respond?

Mr. Pashko.

Mr. PASHKO. May I respond to the first question because for the second one, I am not a specialist. I do not know how much it is going to get the Greek minority this treaty between the two governments.

The problem is that it has been speculated too much about Communist revival. I am blamed for being a Communist. But nobody is blaming, even in this panel, nobody is blaming those people that beat me up, arrested me, jailed me. I do not know, because I was a Communist or what?

Now, the problem is that in Albania, of course, the major opposition, like in all former Communist countries, the major opposition is coming from Communists—former Communists, reformed, et cetera, and that there is still a gap, or let's say this party is under structuring. We cannot say that the Socialists are exactly the same Communists as the old days, but we can even not say that they are completely reformed and western-oriented. But there are also other position parties in Albania, which is, for instance, the party I represent, the Democratic Alliance.

We have been co-founders with Berisha of the first anti-Communist opposition. Our group split from that and we have been working to form a group of the center. Not Communist, but also not against the right wing. We have been against the right wing in the same time. And these elections, let's say, erased also this opposition, this non- or anti-Communist opposition, which was formed in Albania.

Chairman GILMAN. Thank you.

Mr. GAGE. Mr. Congressman, but I do not think that the United States has to choose between communism and tyranny in Albania. It should stand up for democracy and free elections, free press, independent judiciary. And that is the role that we should play as the champions of democracy in the world. I think if we support a real democracy in Albania, democratic parties and democratic institutions will emerge and build the kind of country that all Albanians want.

In terms of the treaty between Greece and the United States, it was not exactly a treaty. It was several agreements—one to legalize—

Mr. MORAN. They call it a treaty here. I used the word "treaty" because they used the word "treaty."

Mr. GAGE [continuing] one to legalize the workers that go every year from Albania to Greece, a certain number of them—I think it is 300,000. And the other was to allow some rights to improve conditions of the Greek minority.

The major contribution from Mr. Berisha's Government was to announce that he would allow the establishment of three schools, and the first grade of three schools, which means that it will take at least 8 years just for a full grammar school to be established.

The Greek Government, I think, took that crumb because more was not offered. But it does not end the problems of the Greek minority in southern Albania.

Mr. MORAN. I am getting the cut sign here from the Chairman. We are going to miss a vote, I am afraid, if we do not conclude this hearing now.

Thank you all.

Chairman GILMAN. I want to thank our panelists. We may want to submit some questions in writing which we would ask you to reply as quickly as possible so we can make it part of the record.

If there are any materials you would like to submit for the record, please do and we will be pleased to make it part of the record.

Mr. Moran, please note we have your statement. We will make that part of the record as well.

I am sorry that we do not have time. The Committee stands adjourned.

[Whereupon, at 3:55 p.m., the Subcommittee was adjourned, to reconvene subject to the call of the chair.]

APPENDIX

Opening Statement of Rep. Jim Moran
Subcommittee on International Operations and Human Rights
Hearing on Human Rights and Democracy in Albania
July 25, 1996

I want to thank the Chairman for holding this important hearing on human rights in Albania. I want to thank the witnesses for providing the Subcommittee with their assessments of Albania's progress on human rights and democracy.

A clear indicator of a nation's democratic credibility, is its ability to hold free and fair elections. I understand that one of our witnesses was an observer in Albania's recent parliamentary elections. It is my understanding that while some election observers, (particularly some of the OSCE) have challenged the overall legitimacy of the elections, many others, (the International Republican Institute, IRI, for example) have concluded that the election violations were not systemic and did not affect the outcome of the elections.

Nevertheless, it bears noting that Albania is a young emerging democracy, and a nation that only a few years ago was run by one of the world's most brutal and repressive dictators. And, it is these former communists that make up the biggest opposition party, the Socialists, who many election observers recognize have played an obstructionist role in Albania's recent parliamentary elections. Indeed, the Socialists pulling out of the process at the last minute certainly contributed to the problems. Moreover, it is my understanding that the Albanian Interior Ministry has discharged a colonel and lieutenant colonel due to their actions at the Socialist Party rally. In some ways, some of these are the actions of a young democracy, one that nevertheless must be criticized. We must not give up on democracy in Albania and contribute to the destruction of the progress Albania has made in only four short years.

Thank you Mr. Chairman.

OPENING STATEMENT
BY
CONGRESSMAN DONALD M. PAYNE
INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
SUBCOMMITTEE
COMMITTEE ON INTERNATIONAL RELATIONS
JULY 25, 1996
"HUMAN RIGHTS AND DEMOCRACY IN ALBANIA"

I would like to commend Mr. Smith, my distinguished colleague from New Jersey for calling this timely hearing after the recent elections in Albania.

Albania, the former communist country with 3.8 million people, is struggling to transform itself into a democracy and to keep elections free, fair and open for all the people of Albania. We have seen high tensions in the region since the troops, specifically, IFOR, has tried to keep the peace in the former Yugoslavia. Now Albania which is one of the smallest and poorest countries trying to throw off Communist rule in the former Yugoslavia, is trying to do the same.

For less developed countries in eastern Europe, democracy may seem like an easy task; however, it can come up against many roadblocks which obscures the basic tenets of effective rule of law.

However, at this moment, I would like to congratulate Mr. Sali Berisha, the winner of the May 1996 presidential elections. I understand that there were some problems and irregularities in the capital of Tirana but all in all the elections went well. Mr. Berisha as I understand, will hold repeat voting on June 16 and 17. The National Endowment for Democracy reported that "56 percent of the voters supported Mr. Berisha's Democratic Party and 22 percent voted for the Socialist Party, the main opposition."

I would just like to say that I have spoken out of the abuses of the people of Kosovo, in the southern enclave of Serbia, by the majority of Albanians in the region. If Mr. Berisha pursues the right policies, maybe he can stop violence and bring some semblance of peace. For the past four years Mr. Berisha has been a bulwark between the Albanians and the ethnic minority of Kosovo and I would hope he would continue to do this.

Let me just say that I am glad to see elections taking place in Albania and I believe that change is imminent. Thank you once again Mr. Chair for having this hearing.

TESTIMONY OF RUDOLF V. PERINA
Senior Deputy Assistant Secretary of State
Bureau of European and Canadian Affairs

House International Relations Committee
Human Rights and International Operations Subcommittee
2:00 pm Thursday, July 25, 1996

Mr. Chairman, thank you for the opportunity to appear before the committee and discuss the human rights situation in Albania. This is a particularly timely moment for this hearing, given the concerns expressed internationally and within Albania about the May parliamentary elections.

I would like to begin with a few words about the historical context behind recent developments. Then I will address the flawed parliamentary elections and other concerns we have on human rights. Finally, I would like to summarize the efforts the United States government is making to overcome these difficulties and to encourage Albania toward healthy multiparty democracy and the rule of law.

Mr. Chairman, as you know, Albania suffered for 45 years under Europe's most brutal communist regime. In 1991 hundreds of thousands of cheering Albanians rallied in Tirana on the occasion of the first visit to their country of a United States Secretary of State. They wanted the totalitarian nightmare to end. And they brought it to an end. The family of democratic nations welcomed the new democracy with open arms. We admired the spirit with which Albanians took to the task of rebuilding their country on the basis of democratic ideals and respect for human rights and the rule of law. President Berisha's Democratic Party government instituted bold economic reforms, a

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radical military reorganization, complete redistribution of agricultural land, wholesale privatization, and liberal investment laws. The U.S. was a major supporter of post-communist Albania. Since 1991 the USG has provided over 200 million dollars to support Albania's political and economic transition.

Given that record of support, it is with great regret that the United States has taken note of the serious setbacks to this young democracy in recent months. In particular, we are acutely disappointed with the failure of the government to ensure that the parliamentary elections held in May were conducted in a fashion which strengthened, rather than weakened, confidence in Albanian institutions. Despite offers of assistance from the United States and international organizations in the lead-up to parliamentary elections, and repeated assurances by Albanian officials that the elections would be scrupulously free and fair, serious irregularities were noted by most observers. Opposition representatives withdrew their candidates and their participation in voting commissions on election day, charging intimidation and other official abuses. This compounded the confusion in vote counting but by no means relieved the government of its responsibility to ensure strict adherence to Albanian law and internationally accepted procedures. A protest rally held following the election was dispersed with acts of police violence.

The government acknowledged shortcomings in the elections,

but did not take adequate steps to redress them. It repeated elections in 17 out of 140 districts on June 16, ignoring U.S., EU, and OSCE requests to postpone them until an international mechanism could be set up to investigate irregularities and make recommendations for corrective action. These actions contravene commitments which Albania made when it signed and ratified the International Covenant on Civil and Political Rights and adhered to the Helsinki Final Act.

The new parliament was convened on July 1, the ruling Democratic Party occupying 122 out of 140 seats -- a majority of over 87%. Opposition parties called for a re-run of the elections and most have declined to occupy the few parliament seats they won.

These irregularities, and the government's failure to take adequate measures to correct them, cast a shadow on the prospects for democratic progress, which remains the cornerstone of our relationship with Albania. The flawed elections are all the more disturbing coming in the context of other troubling developments that suggest a drift away from the democratic track. A lustration law prevented a number of major opposition candidates from participating in the elections. A new election law gave supporters of President Berisha dominance of the central and local election commissions. The independent and opposition press came under greater pressure from the government.

The judicial system has also experienced disturbing

setbacks. The most serious was the unconstitutional sacking of the Chief Justice of the Court of Cassation in September 1995. Although the government has undertaken some judicial reforms, the judiciary remains dominated by the executive, and more needs to be done to ensure greater respect for human rights through the work of an independent judiciary.

As regards the ethnic Greek minority, there has been some progress toward addressing its aspirations for greater access to Greek-language education and the return of church properties expropriated by the previous communist regime.

Education is the most important issue for the Greek minority. In 1995 Albania passed an education law which permits private schooling in minority languages. Publicly funded, bilingual education is already provided at 46 primary schools and a similar number of 8-year schools in the southern districts. We understand that more public and private Greek-language schools will open. However, there are also troubling signs. A Greek-language elementary school in the village of Frashtani was destroyed by fire the night of February 28. The government has undertaken an investigation, but to date no results have been reported. We will continue to watch developments in this area closely.

Orthodox Church properties expropriated by the previous communist regime are being returned. The last building at the monastery of Ardenitsa has been restored to the church.

Our Human Rights Report cites other problem areas, including security force beatings of citizens, prolonged pretrial detention, poor prison conditions, occasional restrictions on freedom of speech and the press, limitations on freedom of assembly and association, and discrimination and violence against women.

Mr. Chairman, let me turn now to what we are doing to address the political situation in the wake of the elections, which is at the top of our agenda.

From the first reports of election observers to this day we have made clear, both publicly and privately, our great concern about this backward step for the process of democratization.

Multilaterally, our diplomatic efforts have focused on enlisting our EU friends and OSCE partners in a joint effort to establish an international mechanism for investigating irregularities and recommending corrective actions. These efforts are continuing at the OSCE in Vienna and with EU representatives in Brussels and Washington. The government of Albania rebuffed a proposal by the OSCE Chairman-in-Office to send a personal representative. However, the OSCE Office of Democratic Institutions and Human Rights is planning to send a team of technical experts to Albania to address the electoral framework, an effort which we have strongly encouraged.

Bilaterally, we have underscored our concerns to the Albanian government and opposition and made clear that future

good relations with the United States depend on Albania's overcoming these setbacks. We had intended to send a high-level delegation to continue our dialogue with the Government of Albania on these issues, but President Berisha declined to meet with the delegation. The Acting Secretary of State has written to the Foreign Minister to explain our views in detail. The United States did not send any representative to attend the opening of parliament to demonstrate our concern over the flawed elections.

While only Albanians can decide on the particular steps which need to be taken to further political consensus and reconciliation, the following issues must be addressed:

- o Political dialogue: Through a round table or other mechanism, political parties should strive to reach agreement on ground rules for upcoming local elections, promulgating a constitution, and holding new parliamentary elections. We expect both the government and the opposition to take steps toward reconciliation.
- o Local elections: it is important that these be free and fair, and monitored by local and international observers. A broad spectrum of Albanian political opinion must have a say in preparing for the elections.
- o Constitution: A democratic constitution which promotes consensus is needed. To ensure broad-based

support, one approach would be election of a constituent assembly which would draft a constitution to be approved by a referendum.

- o New parliamentary elections: these remain a pressing requirement, to promote political reconciliation and restore the faith of the Albanian people and the international community in Albanian democracy. One way to address this would be to hold new elections based on a new constitution.

The government and opposition parties have agreed to hold local elections during the last two Sundays in October. The United States will encourage a strong international observer presence at those elections. We welcome the dialogue that the Democratic and Socialist Parties have opened, and hope that it is broadened to include other parties and that it leads to effective cooperation on steps to surmount the present political impasse.

Relations between the United States and Albania have evolved in recent years on the basis of Albania's respect for democracy and human rights. The United States hopes that government as well as opposition political leaders will remain committed to this course. At this time, however, when the foundation on which U.S.-Albanian relations has weakened, we are initiating a thorough review of our relationship, a review which includes our assistance programs.

Bianca Jagger

July 25, 1996

Subcommittee on International Operations and Human Rights

Its nearly half a century that people of Albania lived under the most repressive communist regime in Europe. Almost completely isolated from the outside world, Albania was by far the poorest country in Europe. The monolithic Albanian party of labor, led by dictator Envar Hoxha and his successor Ramiz Alia ruled the country with an iron fist. Thousands of political and ideological opponents were executed and tens of thousands of Albanians were imprisoned and tortured.

In 1967 Albania became the first state to officially ban all forms of religious practice. Envar Hoxha banned religion, forbade travel and outlawed private property. Hoxha sustained his repressive system by playing on the historical fear of outside invasion. He broke ties successively with Yugoslavia, the Soviet Union and China, he claimed that his self-imposed isolation was the true path to socialism. He hated the "Imperialist West" and "Revisionist East".

Hoxha died in 1985. During the ruling of his hand picked successor Ramiz Alia a slight liberalization began but real reform did not take place until 1990 when in response to the changes taking place throughout Eastern Europe, the communist was no longer able to resist the growing opposition to communist rule at home. The government was forced to allow the formation of independent political parties. The ban on foreign travel and religion came to an end.

In December 1990 The opposition Democratic Party was founded as was Albania's first Human Rights organization. The first multi party elections in Albania's history were held in March 1991. Everyone hoped that when communism finally collapsed, and a new government was elected in 1992, the long nightmare would be over. Washington believed that it had found its "man" in the unknown Apparatchik, a physician who worked closely with Hoxha, President Sali Berisha.

Testimony
of

Ms. Bianca Jagger

before the Congressional Human Rights Caucus

Briefing on Albania
June 19, 1996

THERE IS NO DEMOCRACY WITHOUT FREEDOM OF EXPRESSION

I must express to you my greatest concern after travelling to Albania that the government of President Barisha is dismanteling legal institutions; the judicial system, the media, and most recently the parliament. I believe that freedom of speech and freedom of the press are the foundation of a democracy.

Under the communist regime in Albania, the media was primarily a means of political indoctrination. Journalists were viewed as spokespersons for the party rather than objective voices, all news was censored by the state.

Albania began the process of political reform during 1990 & 1991. Intellectuals and writers played an important role publishing critical articles about the regime of Ramiz Alia, calling for democratization.

In 1991, Rilindja Demokratike (Democratic Rebirth) the paper of the newly formed Democratic Party and the first non-communist newspaper was founded. Many other newspapers were established in the following months. For the first time in fifty years the country experienced an open and free press.

It is common in countries which have experienced long, oppressive dictatorship that newspapers remain tied to a certain political party, to a position, or organizations, and that the contents tends to be at first rhetorical and polarized.

After the victory of the Democratic Party in March 1992, the lack of "professionalism" was used by the government of President Barisha to justify the adoption of several restrictive measures on the media; throughout the following years until today, journalists have been imprisoned, savagely beaten, harassed, brought to trial, have their phones and the faxes cut off, precluded from having access to e-mail, taxed higher than alcoholic drinks or arms sales. The papers have a news print tax of 25%, a 30% tax on the revenue,

and a 15% tax on the advertisements. The distribution of their newspapers had been severley restricted. Furthermore, the newspapers are only delivered throughout 30% of the territory.

Throughout the years 1993 -1994 the situation for journalists became increasingly difficult. In November of 1993, a new press law allowed criminal proceedings to be initiated against several journalists. All of them were members of the opposition press. Five journalists were imprisoned the following year, although not all were convicted under the new press law.

In 1994, a number of violent incidence were committed against journalists by unknown assailants. The attacks were in retaliation for articles they had written which were critical of the government. During the same year, some journalists from Greece were mistreated by police during the trial of the Omonia Five.

In 1995, the working conditions of the press further deteriorated. Journalists were give stiff financial penalties. An Editor was detained by the secret police, and ordered to stop the paper from printing a satirical picture of President Barisha.

Nikolla Lesi, publisher of Koha Jone, Albania's leading daily newspaper, had his home destroyed by a powerful bomb.

In December of 1995, the law on the moral character of government officials, banned all collaborators with the communist secret service police from working for the state media or any newspaper with a daily circulation higher than 3000 copies. Besides all these pressures against the press, there has been a serious of specific measures to silence critical voices in the media, cases of physical assault, imprisonment and confiscations. All of which illustrate a consistent attempt by the Albanian government to limit freedom of expression in their country.

The harassment became undoubtedly harsher before, during and after the election. Many national and international reporters were savagely beaten either by the police or by persons of the secret services. Members of the Albanian media were arbitrarily detained by the police or members of the security forces. Besides being beaten, they had their equipment and film confiscated. The journalist Bardhok Lala, 24 years old, was severely beaten by persons he later identified as members of the secret service, According to Mr. Lala, he was beaten over the head 28 times, besides the unaccountable blows on the back and on his feet. He was beaten with a revolver and his tortures fired the revolver four times in immediate proximity of his temples. Additionally, they stuck a stick in nose.

As a result of this abuse, Mr. Lala is currently suffering from severe depression, and has not resumed his work. He has denounced his case to the office of the prosecutor.

The same day, Shpetim Narzako, Director of Dita, was severely

beaten by member of the security forces of the government. He was beaten for his journalistic activities.

I met with a number of journalists, Albanians and foreign -- many amongst the Albanians had been victims of beatings and detentions, and I witnessed the marks of their physical abuse. I have with me a number of testimonies of journalists that I would like to submit to you, as well as photographs displaying the marks of abuse of journalists, political leaders, and citizens who were present at the May 28th rally.

Testimony of Professor **Gramoz Pashko**, Former Deputy Prime Minister of Albania, presently Guest Scholar at Woodrow Wilson Center, Washington DC

Two months before the elections in Albania I was more than happy to assist in the hearing of this subcommittee about Albania. Our government has been continually criticized for human rights abuses, and intolerance towards the free press and the political opposition. The judiciary has been placed under the complete control of the executive. Emphasis on human rights abuses in Albania as well as on legislative distortions preceding the elections were to be warnings for the Albanian government to correct its path. Like many others I hoped that my government would have listen to all these.

Having been, a co-founder of the anti-Communist opposition in 1990, which became the Democratic Party, I returned this Spring to Albania to run for the third time for Parliament I knew the campaign would be rough

I had known President Berisha for six years. In the early years of anti-Communist opposition I was impressed by his acute intelligence, capacity for leadership and candor. Later on, these qualities, which made him enormously effective as an opposition leader, have been put to ill-use since he became President. He has become stubborn, intolerant and ready to trample on principle when he thought his own position was threatened. More than anything, he cannot handle criticism or opposition. He has eliminated all contrary voices within his party. Out of the original anti-Communist movement, only two of the leaders of 1990 are still with him today. I was expelled in 1992 for assailing his authoritarian habits. After expulsion I declared. *"Power has showing its teeth. In the name of freedom and as a Parliamentary deputy, I feel obliged to declare that dictatorship is knocking again at the door of Albania."*

Fatos Nano, Berisha's main rival as the leader of the Socialist party has been imprisoned since 1993 for controversial allegations over mismanagement of Italian financial assistance. Journalists have been imprisoned for writings critical to Berisha. The chief judge, Zef Brozi was sacked last year because he sought to review the Nano case. A few months later Eduard Selami, the Democratic Party chairman was fired also for criticizing Berisha.

In defiance of such criticism the President has instated his monopoly on the main mass media, on the only television station, the only radio station, and the only news agency in Albania. His message I am "the only democrat" and the rest "are part of the red front."

Now having arrogated from Parliament the right to organize the latest election campaign, he named himself a candidate for Parliament, which is illegal under the Constitution and despite the fact that his presidential term runs until 1997.

What followed during the elections was a travesty

Let me quote the Organization for Security and Cooperation in Europe report of June 11 1996.

- At a number of polling stations, including Tirana, Berat and Kukes, observers saw unidentified persons and armed civilians. They were often playing an active role in the process, and locals identified them as secret police.
- A more serious issue raised by observers was that according to Article 19 of the Election Law, some persons including heads of organs dealing with public order and the National Information Service (secret police) must leave their jobs 25 days before the election day if they are registered as candidates for parliament. Persons subject to this article were still active in their capacities throughout the election process despite the fact they were running as candidates.
- The president was also a candidate on the proportional list which is not in accordance with the Albanian constitution. A cornerstone in building public confidence in the electoral process is that all official persons act according to the laws of the country.
- The intimidating presence of police at opposition rallies, combined with police failure to prevent DP supporters from blocking roads and thus preventing opposition supporters from attending rallies, added to the close identification of the government and its security apparatus with the ruling party. This was felt by observers to create an air of intimidation of opposition parties as well as undue influence on voters. It also compromises OSCE commitment 5.4 which calls for "a clear separation between the State and political parties; in particular, political parties will not be merged with the State."
- Observers noted serious departures from the law in the manner that polling station commissions were functioning. They appeared multi-party commissions in name only, but not in substance ... The party representatives were in most instances given no role in the process and they were physically seated at a distance from the table where voters were processed."
- "Many observers reported a large police presence, both inside and outside polling stations. This was particularly noted in Berat and Lushnje, where police appeared to be playing an active role in the running of polling stations. In some cases the police even took part in the counting process.

- At a number of polling stations, including Tirana, Berat and Kukes, observers saw unidentified persons and armed civilians. They were often playing an active role in the process, and locals identified them as secret police."

Police was given clear orders to take out anyone of parties representatives that would have opposed to irregularities. Many case are reported in which party representatives were maltreated and in some cases they were released only many days later. Intimidation and threats increased with the passing hours.

Late in the after noon the opposition decided to pull out their party representatives from the commission, to prevent what would have happened during the counting of votes late at night. At that point government representatives were responsible for the accuracy of the counting.

Let me quote again the OSCE report for some of what they observed during the counting process:

- In Berat an observer team noted that the turnout in one polling station was 105%. In another polling station there were too few signatures in the voter register compared with the number of ballots in the ballot box. Extra signatures were added to the voter register in the presence of observers.
- In Berat an observers team was advised to leave the polling station during the counting process.
- In Kukes, an observer who understands Albanian overheard the chairman of a polling station phoning somebody to apologise for not being able to 'deliver the required result' due to the presence of international observers. Other observers noted that ballot boxes were not properly sealed and their were security police inside the polling station.
- In Pogradec observers noted the clear invalidation of opposition party ballots with some 30% of the total number of votes being deemed invalid. It was also consistently noted that opposition party votes were placed with invalid votes. Also in Pogradec, marks on the ballot papers causing them to be invalidated were marked in a different colour ink than appropriate marks on the rest of the ballot.

In fact OSCE observers were a team of 50 persons observing 300 polling stations. But what Albanians themselves saw in the rest of the poll stations which were more than 3000 where no foreigner went to observe? Now they say, "Berisha did not get our votes. The police and secret services gave him our votes."

Two days after the election, on May 28 we experienced the brutality of the nominal victors in the worst repression of freedom of assembly and of expression since the last Communist days of 1990. Six opposition parties decided to stage a demonstration protesting the rigging of the election and demanding that the vote be repeated. I was among a large number of peaceful demonstrators marching in Skanderbeg Square. Many of us had participated five years earlier - along with Sali Berisha - in the peaceful overthrow of the Communist regime and the toppling of the statue of the late Enver Hoxha in that same square.

Before our rally even began, uniformed militiamen and members of the secret police surrounded us and beat us. We were dragged for a hundred yards and thrown into police vans. They placed us in cells. Many of us were bleeding. I remember Gonxhe fainting. They continued to beat us even after we told them that many of us were Members of Parliament, and should have immunity under the Albanian Constitution. Some of us were released after an hour, but later I was told that many were detained for days. More than 100 demonstrators were injured. Similar repression occurred in smaller towns around the country. Still on me it is pending a call from the Public Attorney to appear in court as an organiser of an illegal manifestation, but not yet a similar call has been issued to the organisers of the brutal repression of the same manifestation.

The May 26 elections in Albania have been broadly condemned by international institutions as the most fraudulent in any formerly Communist country since 1989. The European parliament has condemned these events by stating:

- **“The negative events that took place during these elections represent a clear setback as regards the development of a full democracy and respect for the rule of law”.**

A similar statement has been issued by the US Government.

Unfazed, President Sali Berisha has declared constantly that May 26th elections were “*free and honest*” (ATA July 2,) and that “*new elections will be held in May 21, in the spring of the year 2000*” (ATA July 19). He ordered the convening of the new Parliament on July 1, where his Democratic party will field 122 out of the 140 deputies - 87 percent of the seats. He will have no more nasty opposition to worry about. No chance of a

Parliamentary check on Presidential power. He is now in a position to change the constitution giving himself more power, something he failed to achieve in his referendum of November 1994, which may have been Albania's last free expression of political will for a long long time.

Democracy, Albanian style has become an ugly example, not only for us, but also a bad show for other former Communist countries. These days Albanians are in a state of suspense, whether Western governments, especially the United States, will take stronger steps to compel Berisha to retreat from his path. For most of its 80 years as an independent state Albania has lived under an outright Communist dictatorship or a severely authoritarian monarchy. Memories of this past are fresh. Almost nobody wants to turn back to the darkness. Street protests could resume and so could repression.

Holding fresh elections attended by hundreds of international monitors would be far less costly than having to dispatch peacekeeping troops to Albania a year or two from now.

Washington DC 7.24.1996

(Attached to the testimony is a videotape about events in Skenderbeg Square and pictures about voting process)

Testimony of Nicholas Gage
President
The Panepirotic Federation of America, Canada & Australia

On July 25, 1996

Before the Committee on International Relations
Subcommittee on International Operations and Human Rights

HUMAN RIGHTS AND DEMOCRACY IN ALBANIA

I want to congratulate the Committee on International Affairs; its chairman, Benjamin Gilman; and your Subcommittee on International Operations and Human Rights, Mr. Chairman, for holding this timely hearing on Human Rights and Democracy in Albania, because this unfortunate country is once again heading towards one man-rule, and only the strong efforts of the democratic world, especially the United States, can save it from sliding back toward dictatorship.

I'm here to speak about the denial of basic human rights for Albania's large Greek minority. But I'm equally concerned about the deprivation of political rights of all Albanian citizens by the government of President Sali Berisha, because only where democratic institutions function freely and the rule of law applies equally to all citizens can any minority feel secure.

Over the past four years, the Berisha Government has enacted the most restrictive press laws of any former communist country; persecuted and jailed political opponents including the leader of the biggest opposition party, Fatos Nano, and intimidated, dismissed, and jailed judges who will not do the government's bidding.

Fearful of voter reactions to his repressive policies, on May 26 Berisha engineered what The New York Times called "the most fraudulent election in Europe's post-Communist era." Just how far the efforts to build democracy in Albania have eroded under Sali Berisha can be seen in the fact that his party snatched 122 of the 140 seats under contest, 87 per cent of the total, an outcome that is not plausible in any country where elections are conducted honestly. Of the 18 members of opposition parties who managed to win despite the massive violations, 11 are boycotting Parliament to

protest the fraud, including two from the Human Rights Party, which is dominated by ethnic Greeks. Thus the present Albanian Parliament consists of 122 members of Berisha's party and a mere 7 from all other parties.

Berisha is so determined to maintain his lopsided version of parliamentary government that he has refused to meet with an emissary of the Clinton administration to discuss new elections. He has also refused to meet with members of Congress, most recently Rep. Elliot Engle, because he does not want to be told that he must put Albania back on a democratic path.

That's another reason why the subject of this hearing--Human Rights and Democracy in Albania--is very appropriate. Today Albania is the most repressive and least democratic nation in the post-communist world. I will leave it to other witnesses to describe how repressive Albania is under Sali Berisha. While you listen to them, however, I want you to keep in mind that, while all citizens suffer under a despotic government, those who suffer the most are the minorities.

Ethnic Greeks, therefore, are the most unfortunate victims of Sali Berisha's rule. Their most immediate concern is safety. On a daily basis their homes and businesses are robbed, their schools are burned down, and their churches are desecrated by thugs whom the authorities make no effort to arrest and prosecute. Even when there are fatalities, the authorities remain indifferent. This is because the ranks of police commanders and prosecutors in the southern region, called Northern Epirus, where most ethnic Greeks live, not only have been purged of minority members but they have been filled with officers imported from the north so that they will have no ties to the minority.

The Berisha government has cleansed ethnic Greeks from all appointed positions of power. For example, in the Delvino region where the population is more than half Greek, the Greek representation in public administration is less than 8%. Of the 60 police officers in Delvino, only three are ethnic Greeks. The same applies to other towns and villages in Northern Epirus where the population is overwhelmingly Greek. That is why the security forces not only allow gangs to operate freely in these areas as long as they pick victims from the minority, the police themselves frequently join in to harass, beat and extort money from ethnic Greeks. These

actions strengthen the belief among many members of the minority that the violence inflicted on them is part of a government plan to force ethnic Greeks to abandon their homes in Albania and move south to Greece. (I'm attaching a list of attacks on ethnic Greeks over the past nine months, many of them carried out by police, which was recently sent to me from Northern Epirus).

Another way the government is trying to force ethnic Greeks out of Albania is to severely restrict their ability to educate their children in their mother tongue. One of the first actions that the Berisha Government initiated in the field of education after it came to power was to close seven Greek-language schools that the previous Communist government had opened in the three most populated areas of Northern Epirus: an act the European Parliament strongly condemned in a resolution. Even in the so called "minority zones" where Greek continues to be taught, the number of Greek classes has been cut back below the level that existed under the Communists.

A new education law theoretically expands the right of minorities to learn their mother tongue, but it leaves to the government the option of setting up restrictions. For example, local Albanian authorities are requiring that, in order to start a Greek program in schools where it didn't exist before, 32 students have to sign up for each class, more than twice the 15 students required in other Balkan countries with minorities, such as Romania. The 32 student requirement means that, in order for a village or town to eventually have even an eight-grade program, some 250 students have to be enrolled. Since most villages are small in Northern Epirus that is an impossible requirement to meet. It becomes even more difficult to satisfy because the students have to prove that **both** their parents are ethnic Greeks. This is blatant discrimination since students taking other languages don't have to demonstrate an ethnic tie to them.

Ethnic Greeks in Albania see such actions as a message that their children will not be able to learn their mother tongue if they stay in the country and that they should move their families south to Greece. As I have stated before, this is a subtle form of ethnic cleansing and violates all existing international norms regulating the treatment of minorities. It also ignores obligations undertaken by Albania in the past toward its Greek minority and the historic ruling of the Permanent Court of International Justice that Albania cannot

withdraw rights from the Greek minority that have been previously granted.

The Berisha government is also hampering efforts to re-establish the Orthodox Church of Albania, to which most ethnic Greeks belong. The government has refused to legalize the status of the head of the Church, Archbishop Anastasios, by granting him citizenship and won't allow the three bishops appointed by the Ecumenical Patriarchate to help him even to enter the country. The government also refuses to return scores of churches belonging to Greek communities as well as monasteries, religious property and valuable icons and religious artifacts that were seized by the Communists.

As international pressure has mounted for the return of these properties, the Berisha government has come up with a ruse to hold on to the most valuable of them. The government issued a decree earlier this year declaring 21 "houses of prayer" to be part of the country's architectural heritage and transferred them to the Ministry of Culture. Of the 21 properties, 18 were Orthodox churches, one was a Catholic church, and two were mosques. (This shows that the Berisha Government either is especially partial to seizing Orthodox properties or it puts a very low value on the architectural merit of the country's Catholic churches and mosques.)

Another method that the Albanian Government uses to cheat ethnic Greeks out of their rights is to claim that they are few in number, while refusing to hold a census to provide an accurate count. Sali Berisha- as soon as he came to power in 1992 - demanded that the Former Yugoslav Republic of Macedonia hold a census to determine the number of ethnic Albanians living in FYROM. His campaign forced the leaders of FYROM to hold such a census in 1994. But Berisha still refuses to hold a census in his own country that would measure the Greek minority in Albania. Because there is no accurate count, Berisha is able to claim rights for the Albanian minorities living in neighboring states while denying the same rights to the Greek minority in his own country.

I have visited Albania five times and during those trips I came to understand that the troubles of the Greek minority are created by the government and not due to any real friction between ethnic Greeks and Albanians in Northern Epirus, who have lived side by side for centuries in harmony. During my visits to the region, I was

deeply impressed by how well they get on together. This is shown by the fact that in the many mixed areas, ethnic Greeks have been elected to top regional positions, even in the areas where they are not in the majority. But in positions filled by the government, they are barely visible. This demonstrates two things: improvements in the rights of ethnic Greeks would not arouse hostility from their Albanian neighbors, and the main instigator of ethnic tensions is the government.

I strongly believe that there are so many bonds between Albanians and the ethnic Greeks that if they are the free of government pressure, both groups will join together to move the whole country forward to take its rightful place in the family of European nations. For that to happen, however, a free press, an independent judiciary and, most of all, real democratic institutions must be allowed to develop in Albania.

In the fraudulent elections of May 26 Sali Berisha demonstrated that he cares nothing about democracy and his only concern is maintaining his own power using any means necessary. That is why the international community, led by the United States, must act together to compel Sali Berisha to hold new national elections under international supervision as soon as possible. As Thomas Carothers of the Carnegie Endowment of the International Peace wrote in The Washington Post, the United States has tremendous economic and military leverage on Tirana. The time to use it is now. If we don't take a stand for democracy in Albania, where can we do it?

Statement by Blendi Gonxha

Director of International Relations of the Albanian Democratic Alliance

U.S. Congressional Committee on International Relations

Subcommittee on International Operations and Human Rights

July 25, 1996

In December 1990, the students of Tirana marked the anniversary of the death of John Lennon at a semi-illegal gathering. We sang dozens of times that unforgettable Beatles' song "Power to the People." We left the gathering half way through and started a protest rally that sparked a nationwide movement to overthrow the rotten communist dictatorship of Ramiz Alia, the successor of Enver Hoxha. The man chosen by Alia to mediate with the students, one of whose leaders was myself, was Sali Berisha, now the president of Albania. I was a member of the founding committee of the Democratic Party, which is in power in Albania today.

In February 1991, 726 students went on hunger strike to demand the removal of the hated name of Enver Hoxha from Tirana University. This strike, of which I was chairman and chief negotiator, inspired the people of the capital to overthrow the hollow statue of the dictator in Tirana's main square. This day has entered history as the symbolic farewell to the old regime.

After 50 years of extreme isolation and tyranny, we Albanians embarked on the road to democracy with tremendous hopes. Our idealism has been generously supported by the United States and the democratic West. Now, five years later, this democracy has been eroded and this support has been betrayed.

The large-scale vote rigging and violence used by Berisha and the Democratic Party in the elections of May twenty-sixth this year were not entirely unexpected events. As early as late 1991, Berisha's authoritarian tendencies had begun to cause concern in the democratic movement in Albania. Today, hardly any of its founders remain in Berisha's Democratic Party, which has become notorious for its corruption and intolerance of dialogue. In 1993, many of the Democratic Party's original members founded the Democratic Alliance, aiming to preserve the ideals of December.

Western human rights organizations such as Human Rights Watch, Amnesty International and the International Helsinki Federation have painted an increasingly bleak picture of human rights in Albania. The United States Government has also expressed its concern, especially in the most recent annual report of the State Department.

Long before polling day, it had become clear to the Albanian public that Berisha and the Democratic Party were prepared to resort to improper methods in order to remain in power. The so-called "Genocide Law" was passed specifically in order to eliminate many outstanding members of the opposition from the electoral contest. A new Electoral Law left the administration of the polling stations and the counting of the votes in the hands of the state. The state-controlled television glorified the ruling party and resorted to montages and falsification to

cast slurs on the opposition. Many opposition rallies were banned by the police. State resources were used to plaster the streets with pro-government posters and banners, just like in the time of Enver Hoxha.

I myself was a candidate for the Democratic Alliance in the constituency that included the Tirana University campus. I was prevented from holding any electoral meetings, even in the very hall where I led the students on their hunger strike five years ago. At the same time, the Democratic Party candidate held at least 18 meetings, using all the resources of the state administration, the police and the National Intelligence Service. Even the university authorities promised that students who failed their exams would pass immediately if they helped the Democratic Party campaign. My own effort to hold an electoral meeting led to my arrest.

The electoral rolls prepared for the May 26 elections involved many irregularities. They were published late, and included fictitious names and even the names of the dead. In my constituency, 1,500 new names were mysteriously added to the electoral roll on the day before the elections.

The events of May twenty-sixth have been described by many international observers, including Human Rights Watch and the International Helsinki Federation. At eleven o'clock that morning, I tried to go to the American Embassy to describe what was happening. A few hundred yards from the embassy, two police chiefs and their bodyguard blocked the sidewalk. One of the policemen said, "Will you win the elections, Blendi?" while his colleague directed the foulest insults toward me and the bodyguard gave me a karate chop on the back of the neck.

The opposition, i.e. the Socialist Party, Democratic Alliance, Social Democratic Party, and the Democratic Party of the Right, withdrew from the elections at five o'clock that day. Their decision was based on information coming from constituencies nationwide. They had learned that voters were being subjected to harrassment, members of polling station commissions and observers were being denied their right to participate in the electoral procedures, and that their protests were being met by violence from the police.

The polling stations closed at ten p.m. By then they were manned solely by officers of the Democratic Party and its satellites. At eleven, the Democrats were celebrating their victory with champagne and gunfire.

This electoral farce led to immediate protests from the Albanian opposition and internationally. On May twenty-eighth, the opposition called for a protest rally in Tirana's main square. In a display of brutality in front of the cameras of the world media, riot police beat with truncheons the leaders of the opposition and dragged them to police vans.

Since that time, many international organizations have added to the chorus of protest. Resolutions by the Council of Europe, the European Parliament, and declarations by the U.S. State Department have called for a repeat of the elections of 26 May. Berisha has so far turned a deaf ear, and has obstinately declared that the next Albanian elections will be in the year 2000.

The leaders of the democratic movement of 1990 have seen their ideals betrayed. Unless democratic standards are restored, Albania faces a wretched future under an increasingly corrupt, authoritarian, and adventurist tyranny.

The Albanian opposition thanks the United States and the international community for its concern for the fate of democracy in Albania. This concern is a guarantee for the efforts of the great majority of Albanians who believe that their country can become worthy and equal partners at the common table of free peoples. We ask the United States to increase its pressure to ensure that Albania does not fall back into the darkness of dictatorship. Thank you.

Testimony, Shirley A. Cloyes, July 25, 1996

Former Congressman Joseph DioGuardi and the board of the Albanian American Civic League have described to me in vivid detail a Tirana of just a few years ago in which a citizens, wearing nearly identical suits, moved furtively through the main square, where now a multitude passes and mingles daily; a Tirana in which only government officials were allowed to own cars, where now hundreds of automobiles traverse the streets; a Tirana in which there was almost no commercial activity amid an absolutely threadbare existence, in which now free enterprise is flourishing along with foreign investment.

In addition to the fairly extensive academic research that I have conducted in relation to Albania since 1991, I have heard numerous personal accounts from Albanians--from Vlore to Durres, from Skodra to Tirana, and in the diaspora from Tetova to New York City--of the barbarous treatment that Albanians suffered for fifty years at the hands of Communist dictator Enver Hoxha. I never knew the Albania that, prior to the collapse of communism, had cut off all communication with the rest of the world and was customarily referred to as a "prison without walls." But since 1993 I have met the survivors of the old Albania and made three trips there, including a delegation, joining with Congressman Gilman who was en route from Athens to Tirana, to discuss Greek-Albanian relations with President Sali Berisha in August 1995. I know the face of the new Albania and nothing, including the recent elections, has altered my belief that Albania's movement from the most brutally repressive and centralized Communist regime in Europe to a nascent democratic society in the space of only four years, is an astonishing accomplishment worthy of our respect and, much more important, our support.

It is also the case that nothing has served to dispel my concern about the glaring contradictions between American and Western responses to Albania and the 3.5 million Albanians who reside outside its borders, and the rest of the region. The May 1996 elections were far from unblemished, and I am not here to argue otherwise, but I am here to place the elections and their aftermath in a context that hopefully will help move us from political expediency to justice in our dealings with Albania and the Balkans. For fifty years there was no consistent or considerable outcry against the ferocious totalitarianism of the Hoxha regime. Where was the world's indignation when Albanians lived on the brink of starvation and in a constant state of fear? Since the collapse of that regime five years ago, Albania, with minimal support and recognition for making a peaceful transition to a democratic state and for undergoing a thorough restructuring of its economy, has groped into the late twentieth century. Why have we been so sparing in our response to this transformation? Why have we rushed to the judgment that, in view of the May elections, Albania must now be isolated, expelled from the Council of Europe, and subject to economic sanctions? Why would we want to undermine a democratic regime that is trying to get a devastated country on its feet?

In the orchestrated condemnation of Albania that ensued after the parliamentary elections (the New York Times proclaimed that the "deformed" elections "make clear that democracy in Albania remains a distant dream"), little mention was made of Albania's history and the country's tremendous fear of a return to communism. Almost not a word was uttered about the not insubstantial attempts by freelance operatives to unseat the Berisha government. No

acknowledgment was made of the enormous pressure that the Albanian government is undergoing in its attempts to keep the Albanian populations just outside its borders from exploding from repression and oppression at the hands of Slavic regimes of Serbia, Macedonia, and Montenegro. No credit was given to the Berisha government for the abiding cooperation that it has given the United States in our efforts to prevent a spillover of the war in Bosnia and the destabilization of the southern Balkans. For example, while the Macedonian government was busy denying the human rights of the large Albanian population in that country, Albanian President Sali Berisha was cooperating with our foreign policy directives by aiding that fragile regime to overcome the Greek blockade.

In August of 1995, I interviewed the heads of all the political parties in Albania and had wide-ranging discussions with government officials and professionals in many fields about the impact of the referendum on the constitution, the progress of land reform and economic development, and the status of the press and the judiciary. It was clear to me then that, while more progress had to be made to make Albania a full-fledged democracy, the Socialists would be readily defeated. When the world denounced Albania for isolated instances of election fraud on May 26, 1996, scant attention was paid to the fact that the Socialists, in a transparent effort to discredit the parliamentary elections, withdrew from them hours before the polls closed. The events the next day, when the police overreacted to a Socialist demonstration that was conducted without a permit, were deftly used by the former Communists to play to the Western press in a further attempt undermine the legitimacy of the Berisha government. Parenthetically, these were the same people, who under the former Communist regime of Ramiz Alia, caused the death of twelve people in 1991, when Berisha's newly-formed Democratic party, challenged the Communists in the first open elections in Albania. Ironically, most of the West declared those elections free and fair.

It should be noted here that the OSCE Parliamentary Assembly issued a press release on May 27, stating that, while the law favored the ruling party, the OSCE delegation believed that the Albanian legislation "does provide a basis for free and fair election and for the will of the people to be expressed." They also acknowledged that the media performed well in informing voters about electoral procedures. The Berisha government complied with their recommendation to hold another round in certain districts, which the OSCE felt was "essential for the consolidation of democracy and stability in Albania.". The Socialists again abstained from participating and commanded international press attention. While the violence that wounded seven people in Tirana after the first election round was not repeated, the massive negative press about Albania led to immediate repercussions for the Albanians in Kosova, where police roundups intensified, and for the Albanians in Macedonia, where the founders of the private Albanian- language University of Tetova were seized and jailed for one year.

Finally, I cannot conclude without commenting on the hearing conducted in June by the Congressional Human Rights Caucus, which to my dismay is to a great extent being replayed here. I was astonished to see in June that what should have been a forum, in my opinion, for the U.S. Congress to shed light on Albania and the May elections became instead a platform for

individual operatives deeply tied to part of the Greek American lobby, who have been using the controversy surrounding the Albanian elections to gain support for their personal ambitions and political objectives, especially in southern Albania.

It goes without saying that unresolved problems related to the ethnic minorities in both Greece and Albania are legitimate topics of inquiry that should be aired publicly. But it appears to us and to the Albanian American community highly irregular and inappropriate for a congressional hearing on the Albanian elections to be used for this purpose. In addition, the integrity of the hearing was undermined by the choice of panelsits. The only Albanian chosen to testify was Gamoz Pashko, a well-known former Albanian Communist who has opposed Sali Berisha from the beginning in his own quest for power and who has little or no following among democratic forces in Albania or in the diaspora. The intent of the June hearing gets thrown into question further with the presence of Nicholas Gage, a highly visible, Greek American spokesman who does not represent the Greek government or the majority of Greek Americans in his quest for the overthrow of the Berisha government.

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HELSINKI

Committee on International Relations

Subcommittee on International Operations and Human Rights
"Human Rights and Democracy in Albania"

Testimony of Fred Abrahams

Consultant to Human Rights Watch/Helsinki
July 25, 1996

Congressman Smith, members of the committee, thank you for inviting me here to speak today.

I have just returned from a research trip to the area of the Balkans inhabited primarily by Albanians, namely: Western Macedonia, Kosovo and Albania itself. My findings confirm that ethnic Albanians face daily discrimination in Macedonia and Kosovo, both of which deserve Congressional hearings of their own. At the same time, the trip stiffened my resolve to document and publicize the human rights violations that are taking place in Albania itself.

The current situation in Albania is well illustrated by the case of twenty-seven intellectuals who signed a memorandum to western governments on June 9. In their appeal, they pleaded for the west to support democratization in their country since, "the electoral farce of May 26 is taking Albania on the first steps toward the restoration of a dictatorship."

The veracity of their statement may be a matter for debate. But surely we agree that every individual has the right to express such views in public without fear of retribution. Albania's Law on Fundamental Rights and Freedoms also protects the right to free speech.

Unfortunately, such laws are not respected. The signatories of the memorandum and their families were attacked in the state-run media for being spies and communists. Some received harassing phone calls, while others were threatened with losing their jobs.

BRUSSELS HONG KONG LONDON LOS ANGELES MOSCOW NEW YORK RIO DE JANEIRO WASHINGTON

The case is not extreme, but very typical. Since coming to power in 1992, President Berisha and his ruling Democratic Party have systematically turned against those with views different from the state. Critics of the Democratic Party were considered enemies of democracy or, by deduction, friends of communism. President Berisha utilized Albanians' fear of a return to the past to justify the elimination of his rivals. As a result, the executive power is firmly in control of the media, the judiciary and -- after these elections -- the parliament.

The twenty-seven intellectuals are a light example. But others, like journalist Bardhok Lalo, were not so lucky. Two days after the elections, he was hauled off in a secret police van, badly beaten and left for dead in a Tirana lake. Members of parliament, opposition activists, even foreign journalists have suffered similar abuse.

Despite acknowledging irregularities in seventeen electoral zones, the Albanian government has still not identified those who violated the law. Seven policemen were allegedly punished for the beatings that took place on May 27 in Skenderbeg Square. But, according to sources at the Interior Ministry, one was fired while the others have been transferred. Meanwhile, a court case has been opened against the opposition members who organized the rally and were beaten.

When I was in Tirana last month, the phone lines at the Socialist Party headquarters had been cut since the elections. The largest daily newspaper, *Koha Jone*, and the main human rights organization, the Albanian Helsinki Committee, were experiencing similar technical difficulties.

The media is still strongly controlled by the state, which keeps the population from obtaining a balanced picture of the situation. There are many private newspapers, but they are restricted by a repressive press law and obstacles to their distribution. Since 1992, a large number of journalists, including foreign correspondents, have been harassed, arrested or beaten after writing articles that were critical of the state.

The key is television and radio, which are strongly controlled by the government. Even the largest daily newspaper, with a circulation of 50,000, cannot compete with the biased television news which reaches every home.

After much delay, parliament is about to review a law that would legalize private television and radio. But, according to the current draft, licences to broadcast country-wide programs require the approval of the prime minister. Article 4 of the draft law guarantees the opening of radio and television programs when they "protect the national character."

The status of the Greek minority has been a prominent issue in Congress of late. While I do not deny that some problems exist, in general the problems of the Greek minority are related to the problems of democracy in Albania as a whole and should not be viewed solely in their ethnic context. The truly endangered minority in Albania is reform-minded democrats, whether they are ethnic Greeks or Albanians, and attempts to stress wide-scale ethnic discrimination are, in my opinion, an exaggeration.

The problem now is to put democracy back on track. The opposition parties are gradually falling apart while the Democratic Party is consolidating power. I do not doubt that Albania will soon be facing a one-party state.

For this, the international community is partly to blame. Albania has a long history of strong leaders, from Enver Hoxha to King Zog, and I believe the west encouraged Berisha's autocratic tendencies by consistently lending its unqualified support to the Democratic Party, despite obvious signs that human rights abuses were taking place.

Working for dialogue among the political forces in Albania is an important first step. But calling for dialogue assumes that all parties are interested in sitting down at the table - an assumption that I don't think we can make. One positive move would be for the international community to state unequivocally that it does not respect the outcome of this fraudulent vote. Thank you.

HUMAN RIGHTS WATCH / HELSINKI

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June 1996

Vol. 8, No. 10 (D)

ALBANIA

Democracy Derailed Violations in the May 26, 1996 Albanian Elections

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SUMMARY

On May 26, 1996, Albanians voted in parliamentary elections — the third multi-party elections since the fall of the communist government in 1991. Unfortunately, numerous human rights violations before, during and after the vote undermined the democratic process and threatened the legitimacy of the elections. Physical attacks, ballot stuffing and voter list manipulation violated the right of the Albanian people to elect their government in a free and fair manner. Extreme cases of police violence after the elections have created a tense atmosphere throughout the country.

Despite this, the international community has not condemned these elections as a blatant violation of Albanian and international law. The U.S. government, Organization for Security and Cooperation in Europe (OSCE) and the European Union have expressed concern about voting "irregularities," and called for a partial revote. However, new elections in selected districts does not go far enough to address the widespread abuses that took place.

Human Rights Watch/Helsinki calls on the Albanian government and the international community, specifically the OSCE, the European Union, the Council of Europe, the United Nations and the United States government, to declare these elections invalid. Those responsible for abuses of the electoral law should be held accountable, and conditions should be established for new elections to take place in an atmosphere that is free and fair. The Albanian uniformed and secret police should allow citizens to peacefully express their political views.

Even before the elections, Human Rights Watch/Helsinki warned that the ruling party might try to manipulate the vote. In a 156-page report, *Human Rights in Post-Communist Albania*, released on March 14, 1996, Human Rights Watch/Helsinki concluded:

The closing months of 1995 saw renewed efforts by the state to silence independent voices in the judiciary and media, as well as those of opposition politicians. Human Rights Watch/Helsinki fears that these actions are an attempt by the government to eliminate its political rivals, thereby jeopardizing the fairness of the forthcoming elections.

Human Rights Watch/Helsinki takes no position on the political contest in Albania, and recognizes that some of the accusations made by the opposition parties may be exaggerated. However, it is the responsibility of the Albanian government to abide by the rule of law and ensure that the voting process, the basis of any democracy, proceeds in conformity with Albanian and international law.

At the same time, Human Rights Watch/Helsinki condemns the international community's unwillingness to criticize human rights violations committed by the Democratic Party of Sali Berisha since it came to power in 1992. The United States and European governments have repeatedly turned a blind eye to human rights abuses that undermine the rule of law and democratic reform because Albania is an "ally" in the region.

RECOMMENDATIONS

Human Rights Watch/Helsinki calls on the Albanian government to:

- Establish an independent commission with representatives from all the major political parties to investigate the electoral violations and make recommendations on how to create conditions for a new election that is free and fair

- Prosecute those individuals responsible for violating the electoral law.
- Investigate the cases of police violence and abuse in detention committed on May 28 and hold accountable those found responsible.

Human Rights Watch/Helsinki calls on the United Nations, OSCE, the Council of Europe, European Union and the United States government to:

- Declare the Albanian parliamentary elections invalid due to the numerous electoral violations.
- Assist the government and the political parties in Albania to create democratic conditions under which free and fair elections can occur. This might include sending an international delegation to assess the violations in electoral law and make recommendations on how to avoid them in the future. In addition, the international community might offer to hold new parliamentary elections under international auspices.

PRE-ELECTION VIOLATIONS

A number of developments in recent months threatened the legitimacy of the elections before the vote had taken place.

“Decommunization” Laws

Two laws passed in late 1995 established a seven-person commission to review the files of the communist-era secret police. Those found to have “collaborated” with the former regime were banned from holding public office until the year 2002. Six of the commission members, however, were appointed by the government. The head of the commission was elected by parliament, which is strongly influenced by the ruling Democratic Party.

Altogether, the commission banned 139 individuals from participating in the elections. Of these, forty-five were from the Socialist Party (former communists), twenty-three from the Social Democratic Party, eleven from the Democratic Alliance, thirteen from the Republican Party and three from the Democratic Party. The remaining individuals were from smaller parties.

According to law, these individuals had the right to appeal the commission’s decision to the Supreme Court (Court of Cassation). Fifty-seven people availed themselves of this right, and seven of them had their “verdicts” overturned. The entire process, however, violated Albanian and international law by failing to grant prospective candidates the right to due process. All of the court’s sessions were closed to observers and the media, and none of the defendants was allowed to see the evidence against him.

The Albanian government defends this process as a means of “decommunizing” Albanian politics. However, many of the former communist officials guilty of past crimes have already been convicted by Albanian courts and are serving time in prison. Three of them were sentenced to death for “crimes against humanity” two days before the elections. In contrast, some of those banned from the elections played important roles in Albania’s democratic transition.

The International Foundation for Electoral Systems (IFES), a U.S.-based elections monitoring institute, conducted a pre-election assessment in Albania in March 1996. The organization’s final report stated:

Because of the potential for abuse and denial of human rights, it is recommended that the verification process used to screen candidates for the 1996 Assembly elections be ended. If such

a process is kept, the definition of ineligibility should be narrowed, more time should be permitted for candidacies, and a greater time for appeal of adverse decisions should also be allowed.¹

The OSCE Parliamentary Assembly also expressed its disagreement with the laws, stating:

. . . the Delegation also discussed the "Law on Genocide" and considers that the law includes procedures which are not entirely transparent. It also includes stipulations which limit the electorate's possibilities to choose freely their candidates.²

Restrictions on Free Expression

Despite numerous promises from President Sali Berisha, no legislation exists to allow for the transmission of private television or radio, leaving the state-run programs that favor the government as the main provider of news for the majority of the population. Attempts to open private local radio stations have been thwarted by the police.

While there are many private newspapers throughout the country, they are restricted by a repressive press law and obstacles to their distribution. Since 1992, a large number of journalists, including foreign correspondents, have been harassed, arrested or beaten by unknown assailants after writing articles that were critical of the government.

In the months leading up to the elections, the country's largest daily, *Koha Jone*, was repeatedly harassed and intimidated by the authorities. In January, the paper was publicly accused of collaborating with the Serbian secret police, although no supporting evidence was made public. On February 26, police detained the entire staff of the paper, including the publisher, editors, journalists, computer operators, drivers and a cleaner, in order to question them about a bomb that had exploded that morning in Tirana. Other journalists were arbitrarily detained and, on occasion, physically abused.

Harassment of the Political Opposition

Since coming to power in March 1992, the Democratic Party, led by President Sali Berisha, has used a variety of means to promote itself and stifle the opposition. The secret police, the state-owned media and the judicial system are all used to silence political opponents. There have been numerous violations of the right to association, peaceful assembly, freedom of speech and freedom of the press directed against the political opposition and other initiatives that express views critical of the state.

Human Rights Watch/Helsinki recognizes that all political forces in Albania, including the opposition, have used questionable means on occasion in the struggle for power. However, it is the responsibility of the government to respect the principles it has promised to uphold in both Albanian and international law, as well as to prosecute fairly all those found to have broken the law.

In addition to physical attacks against opposition politicians and activists like Gjovalin Cekini, Teodor Keko and Gjergji Zefi, Human Rights Watch/Helsinki is concerned about restrictions on party meetings and slanderous attacks in the state media. Also of concern is the imprisonment of Fatos Nano, leader of the Socialist Party, who was convicted in April 1994 to twelve years imprisonment for corruption after a trial fraught with due process violations. The Inter-Parliamentary Union, Council of Europe and many human rights organizations have expressed their concern that Nano was imprisoned for political reasons.

¹*A Pre-Election Technical Assessment of the Republic of Albania*, March 20-28, 1996, International Foundation for Electoral Systems, Washington D.C., p. 32.

²OSCE Parliamentary Assembly press release, May 26, 1996.

The Electoral Law

In February 1996, a new electoral law was rushed through parliament despite protests by opposition parties. The law is problematic since it restructured the electoral commissions to the advantage of the government and gave the president the sole power to approve changes to the voting districts.

President Berisha ordered changes to the electoral zones on April 5.³ The government said the changes were needed to ensure more equal voting districts but the opposition claimed that districts were redrawn to the advantage of the government. Human Rights Watch/Helsinki has not been able to confirm whether gerrymandering to the advantage of the ruling party took place, but is concerned that the president has the sole right to make such changes.

The electoral law also allocated a disproportionate amount of time on television to the ruling party. According to Article 53 of the law, the parties with seats in the previous parliament are granted four hours of air time. But half of this time is allocated to the parties in the government (i.e. the Democratic Party).

The biggest problem with the electoral law, however, was how it restructured the composition of the electoral commissions to the favor of the government, thereby opening the door for manipulation of the vote on the local level, especially in the second round of voting. Three levels of election commissions were established under Article 34 of the law: the Central Election Commission (CEC), the Zonal Election Commission (ZEC) and the Voting Center Election Commission (VCC). The CEC has fourteen members appointed by the president upon the recommendation of the parliament and the political parties. Human Rights Watch/Helsinki heard numerous complaints that the proposals from the opposition parties were largely disregarded and the CEC was heavily slanted in favor of the government.

Under the electoral law, the ZECs are composed of a chairman, deputy chairman, secretary and a representative from each party that is fielding candidates in the zone. The chairman and the deputy chairman are appointed by the CEC, while the secretary is appointed by the local prefect (a position appointed by the national government). In the case when there is an even number of people on the ZEC, then the prefect appoints an additional non-party person.

Finally, the VECs are composed of a chairman, secretary and one member from each party with candidates in that zone, as well as a non-party person when the number is even. The chairman is selected by the chairman of the ZEC, the secretary and non-party person by the prefect.

International monitors confirmed that the electoral commissions were controlled by the government appointed chairmen and secretaries. A statement made by eleven OSCE monitors from the United Kingdom and Norway after the elections said:

The key positions in the election commissions at all levels were occupied by the ruling party which did not assure an atmosphere of trust and reliability during the polling. Decisions were in many instances taken only by the government appointed chairmen and secretaries. The opposition party representatives in the commissions were often not allowed to participate in the process, if not outright evicted from the premises. This pattern was also visible in the zone commissions.⁴

The post-election statement of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), which had fifty-three monitors throughout the country, also concluded that the "decisions of the polling station

³Under the previous law, parliament set the districts.

⁴Statement by the OSCE monitors from the United Kingdom and Norway made in Tirana, May 28, 1996.

commissions were not made by majority vote, but by the arbitrary decisions of the government appointed chairman and secretary."⁵

Opposition politicians and election monitors told Human Rights Watch/Helsinki that the second round of voting is particularly open to manipulation under the electoral law. In run-off elections, held between the two candidates who received the most votes in the first round, only representatives of the two parties running are on the commission, in addition to the chairman and secretary appointed by the government. Therefore, a run-off with a Democratic Party candidate would have a commission with three government appointees versus one opposition member.

Run-off elections were held on June 2 in nine districts. They proceeded without serious problems, although most of the international monitors had already left the country, and the opposition had boycotted the vote.

Election Monitors

International monitors were present from a large number of governmental and nongovernmental organizations, including the European Union, OSCE and the U.S.-based National Democratic Institute and International Republican Institute. The level of cooperation these monitors received from the government was mixed. The OSCE-ODIHR mission, which had some members in the country two months prior to the elections, said that "the level of official co-operation offered to its representatives was of such a limited nature."⁶

Moreover, the Albanian Helsinki Committee, the country's most prominent human rights organization, was denied permission to monitor voting in Tirana polling stations. The International Foundation for Electoral Systems was denied permission to send an expert monitor to the Central Electoral Commission.

VIOLATIONS ON ELECTION DAY

Polls opened at 7:00 a.m. on May 26. Shortly thereafter, reports of voter fraud filtered in from districts throughout the country. Around 6:00 p.m., the largest opposition party, the Socialist Party, declared that it would not acknowledge the results of the elections because of widespread manipulation. The Social Democratic Party, Democratic Alliance, Party for Human Rights, National Unity Party and Democratic Right Party joined the boycott shortly thereafter.⁷ According to a statements issued by the opposition parties, the following violations took place:

- Non-government appointed members of the local electoral commissions were intimidated and, in some polling places, beaten by police. Many others were expelled from the polling station.
- Opposition party observers were prohibited from monitoring many polling stations, as is allowed under Article 66. In some cases, police removed monitors by force.
- Some opposition candidates were harassed, physically attacked or detained by members of the secret police.⁸

⁵Post-election statement by the OSCE Office for Democratic Institutions and Human Rights, Warsaw, May 28, 1996.

⁶*Ibid.*

⁷The only other parties running in the election were the Republican Party, the Balli Kombetar Party and the Legalitet Movement.

⁸Statement by the Socialist Party, the Agrarian Party and the National Unity Party, Albanian TV, Tirana, 6:00 pm, May 26, 1996.

The government responded that the elections had proceeded in a generally free and fair manner, and that the "red front" was trying to provoke trouble. A number of violations committed by the Socialist Party were cited by Tritan Shehu, head of the Democratic Party, and ATA, the state-run news agency.⁹ By the next morning, the Democratic Party claimed a large-scale victory. On May 30, the Central Elections Commission announced that the Democratic Party had won ninety-five of the 115 seats in parliament. The Socialist Party won five seats, and the Party for Human Rights won two seats. The nine remaining seats would be contested in the second round of voting.¹⁰

Human Rights Watch/Helsinki is not in a position to confirm all of the specific allegations made by the opposition parties or the government. There is reason to believe that some accusations by both sides are exaggerated. Some election monitors, for example, told Human Rights Watch/Helsinki that some of the Socialist Party's allegations had proven to be false.

However, Human Rights Watch/Helsinki interviews with international election observers and foreign journalists corroborate the general claims of manipulation made by the political opposition. Taken together, they establish that in many instances the uniformed police, secret police and government appointees of the electoral commissions acted in violation of the electoral law.¹¹ Anders Eriksson, a Swedish monitor with the OSCE-ODIHR delegation, told Human Rights Watch/Helsinki:

The elections were not free or fair according to international standards or Albanian law. So, they failed to meet their own criterion. . . . The opposition pulled out around five or six, but there had not yet been any results. They saw how the election was run. They had no contact with the electoral commission. They were not treated as observers, but as school boys.

It was a pattern all over the country, from day to night. It was quite obvious that just the two government appointees on the electoral commissions were in charge and made decisions without the whole commission. The opposition representatives were not involved at all. And we [the monitors] were not allowed to speak with the party representatives.¹²

A journalist for an international news agency who asked to remain nameless said that non-government appointed commission members were not present in many of the polling stations:

I went to Kuchov and Berat, and I saw stations without anyone from the opposition there. Only a policeman with a gun. In one station in Berat, the Socialist Party observer had been beaten at 8:00 in the morning.¹³

⁹On May 30, the Central Elections Commission declared that the vote would be retaken in three districts due to voting irregularities.

¹⁰In the second round of elections, the Democratic Party won six more seats. The Republican Party won two seats, and Balli Kombetar won one seat.

¹¹One election monitor, Wolfgang Grossruck from Austria's ruling People's Party, reported that no incidents had occurred in the areas he visited.

¹²Human Rights Watch/Helsinki interview by telephone with Anders Eriksson, May 29, 1996.

¹³Human Rights Watch/Helsinki interview by telephone, May 29, 1996.

Bob Hand, an American observer with the OSCE Parliamentary Assembly, told Human Rights Watch/Helsinki:

The counting of ballots was clearly discriminatory against the Socialist Party. It was clear that many ballots were being declared invalid. On ballots where a judgment call was required, those with Socialist votes were almost always declared invalid.

... After the elections, the police were celebrating by driving up and down the boulevard in Tirana with civilians in the cars, the sirens on and DP flags flying out the window. I didn't see, but heard them firing guns into the air.¹⁴

Paskal Milo, a former member of parliament and candidate for the Social Democratic Party, monitored a polling station in Lushnje. He said:

Many people voted twelve to fifteen times. Even the observers from Europe saw this. I personally saw the police force people to vote for the Democratic Party, especially old people. Sometimes a member of the commission pretended to help the old person and said, "You must vote for the DP."

The elections were organized not by the state but by the secret police. They surrounded all the voting centers. Sometimes they went inside, removed members of the commission and stuffed the boxes. Or they said: "You must vote for the DP because, if you don't, the communists will come to power."¹⁵

Other international monitors reported similar violations. On May 28, the OSCE-ODIHR delegation members from Norway and the United Kingdom issued a statement in Tirana which concluded that "the will of the Albanian people was not expressed in a free manner in the election of 26 May, 1996." The statement cited a number of violations, including:

... ballot cases were altered and invalidated. The number of void votes were in a large number of polling stations extremely high, up to fifty percent. In some places, ballots bundled together inside the boxes indicated that the boxes had been tampered with and votes added.

The presence of armed police and unauthorized persons around and inside the polling stations in many cases made an atmosphere of intimidation and coercion. Observers also witnessed cases of beatings and threats. The general pattern of intimidation had a significant impact on the election process.¹⁶

Press reports from major newspapers and news agencies cited other violations. According to an article in the May 28 edition of the *New York Times*:

Election monitors from the European Union and the United States said they witnessed instances of police intimidation, open ballot boxes and voters casting more than one ballot. In a district in the capital, the voting was held in the living room of the local leader of Dr. Berisha's Democratic Party.

¹⁴Human Rights Watch /Helsinki interview by telephone with Bob Hand, May 30, 1996.

¹⁵Human Rights Watch/Helsinki interview by telephone with Paskal Milo, May 28, 1996.

¹⁶Statement by the OSCE monitors from the United Kingdom and Norway made in Tirana, May 28, 1996.

One election monitor, Fabrizio Migliaccio of Italy, said he was stunned that in seven districts he visited in the seaside town of Durres, "basic violations" of the electoral process were made in front of him. They included more than one person being in the voting booth, unsecured ballot boxes and the stuffing of the boxes with ballots.¹⁷

The next day, the *New York Times* quoted a Dutch observer, Yuraj Atabaki, who has monitored nine elections in the region since 1991, as saying, "I have never seen the totalitarian face like this, people being beaten, cameras taken."¹⁸ According to the article, forty of fifty-three OSCE observers said they witnessed electoral abuses at the polls.

International monitors told a journalist from the Open Media Research Institute (OMRI) that they had observed many violations. The monitors, who asked not to be named, said that voting irregularities were severe enough to affect the ballot's outcome in twelve of the fifteen stations they had observed.¹⁹

POST-ELECTION VIOLATIONS

On Monday, May 27, the leading opposition parties called for a demonstration in Tirana's central Skenderbeg Square to protest the manipulation of the vote. The Interior Ministry declared the gathering illegal, and said the government would use force, if necessary, to prevent it from happening.²⁰

Opposition leaders gathered nevertheless, and the police broke up the demonstration with force far beyond the amount necessary to bring the situation under control. According to Human Rights Watch/Helsinki interviews with foreign journalists and international election monitors present in the square, police swinging truncheons attacked opposition leaders and their followers, beating people indiscriminately. Hospitals reported at least seven serious injuries, including one person with a skull fracture and another with a broken leg.²¹ Five opposition leaders were beaten by the police in front of journalists and international monitors, and were then hauled off to local police stations.

Bob Hand, an American observer with the OSCE Parliamentary Assembly, told Human Rights Watch/Helsinki:

First it looked like the police were trying to talk to people, pleading with them to go away. And they were trying to push them back. The police starting hitting, and then the riot police arrived, from which point it got worse. More and more they were clobbering people without regard.²²

Gramoz Pashko, a leading member of the Democratic Alliance who co-founded the Democratic Party with Sali Berisha, told Human Rights Watch/Helsinki:

¹⁷"Pro-Western Albanian Chief Claims Victory in Chaotic Election," *New York Times*, May 28, 1996.

¹⁸"Riot Police Beat and Arrest Albania Election Protesters," *New York Times*, May 29, 1996.

¹⁹OMRI Daily Digest, May 28, 1996.

²⁰According to Albanian law, permission is required for any gathering in a public place.

²¹Associated Press, May 29, 1996.

²²Human Rights Watch/Helsinki interview by telephone with Bob Hand, May 30, 1995.

They beat us and detained us for one and half hours in the police station. [Endre] Legisi, [Sevret] Pellumbi, [Arben] Imami, [Blendi] Gonxha and Namik Dokle. They isolated the leaders and we were heavily beaten in the square and in the police station without any accusation being made. Then we were released. Arben Imami lost three teeth and is in very bad condition.²³

Human Rights Watch/Helsinki spoke with the Imami family and confirmed that he had been dragged for approximately two hundred meters on his head, and then detained. He lost his front teeth and was temporarily in a coma.²⁴ Paskal Milo was also beaten and told Human Rights Watch/Helsinki:

Today we had a meeting in Skenderbeg Square. The opposition parties were there to protest the manipulation of the election by the DP. Six or seven thousand people came and they beat us. . . . They beat us with everything. Some of them [opposition leaders] were in jail for about two hours.²⁵

The police also beat foreign and Albanian journalists who were present in the square, including Gianfranco Stara and Spiro Ilo from Associated Press Television and Eduardo del Campo from Spain's *El Mundo*. Stara and Ilo's professional Beta camera was smashed and the film destroyed. The Interior Ministry denied that anyone had been beaten and said the gathering was 30 percent former secret police agents who "called for war, violence and massive exodus to neighboring countries."²⁶

Following the police action, President Berisha issued the following statement:

The President of Albania calls on Albanian citizens to be cool-headed and not to fall prey to the decisions of the Albanian former secret police leaders, today's Socialist Party leaders, who, after their total defeat, withdrew from the free elections three hours before they were closed, and in active cooperation with other extreme groups intend to stir up fights among the people and to destabilize democracy.²⁷

Another demonstration was held in Tirana on June 4. The police did not allow people to congregate in front of the Socialist Party headquarters, but there were no reports of violence. During the preceding week, however, Albanian journalists reported clashes with police in some southern towns.

ROLE OF THE INTERNATIONAL COMMUNITY

Since coming to power in 1992, President Berisha has enjoyed the strong support of the international community, especially the American, German and Austrian governments. In return, Berisha has opened up Albania's ports and airstrips for NATO use and encouraged ethnic Albanians in neighboring Kosovo and Macedonia to avoid calls for independence.

²³Human Rights Watch/Helsinki interview by telephone with Gramoz Pashko, May 28, 1996.

²⁴Human Rights Watch/Helsinki interview by telephone with the Imami family, May 28, 1996.

²⁵Human Rights Watch/Helsinki interview by telephone with Paskal Milo, May 28, 1996.

²⁶Albanian Telegraphic Agency, May 28, 1996.

²⁷*Ibid*

At times, western governments have criticized human rights abuses in the country. But Albania still became a member of the Council of Europe and receives substantial foreign aid. A number of top-ranking western officials visited Albania in the weeks preceding the elections, thereby lending credence to the government.

The international community's response to the elections has been mixed. No foreign head of state has sent a congratulatory message to President Berisha or the Democratic Party. At the same time, no government or international organization has outright condemned the elections as fraudulent. In a statement issued on June 1, the U.S. Department of State said:

Regrettably, numerous irregularities marred these elections and represent a significant step backward from the previous parliamentary elections in 1992.

...These irregularities cast a shadow on the prospects for democratic progress, which remains the cornerstone of our relationship with Albania. It is our firm belief that steps need to be taken to correct these flaws. This remedial action should, in our judgment, include rerunning some races, as recommended by various international observer delegations, including the OSCE and EU.²⁸

Human Rights Watch/Helsinki believes that a partial revote does not go far enough. Our research concludes that the violations were widespread enough to invalidate the elections as a whole. In addition, a partial revote does not take into consideration the other irregularities in the electoral process; namely, the "decommunization" laws, the electoral law, and the state's control of the media.

For a comprehensive review of human rights violations under the Berisha government, see "Human Rights in Post-Communist Albania," a Human Rights Watch/Helsinki report.

* * *

Human Rights Watch/Helsinki

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly. The staff includes Kenneth Roth, executive director; Cynthia Brown, program director; Holly J. Burkhalter, advocacy director; Barbara Guglielmo, finance and administration director; Robert Kimsey, publications director; Jeri Laber, special advisor; Lotte Leicht, Brussels office director; Juan Méndez, general counsel; Susan Osnos, communications director; Jemera Rone, counsel; and Joanna Weschler, United Nations representative. Robert L. Bernstein is the chair of the board and Adrian W. DeWind is vice chair. Its Helsinki division was established in 1978 to monitor and promote domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. It is affiliated with the International Helsinki Federation for Human Rights, which is based in Vienna, Austria. Holly Cartner is the executive director; Erika Dailey, Rachel Denber, Christopher Panico, and Diane Paul are research associates; Ivan Lupis and Maxine Marcus are research assistants; Malcolm Hawkes, Anne Kuper, Alexander Petrov, and Shira Robinson are associates. Jonathan Fanton is the chair of the advisory committee and Alice Henkin is vice chair.

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Listserv address: To subscribe to the list, send an e-mail message to majordomo@igc.apc.org with "subscribe hrw-news" in the body of the message (leave the subject line blank).

²⁸Statement by Nicholas Burns, spokesman, Department of State, June 1, 1996.

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THE STATE AGAINST INDEPENDENT DAILY "KOHA JONE"

1991-1996

1991

May 11,1991: First "Koha Jone" edition is issued

May 31,1991: The Chairman of the Executive Committee (Mayor) of Lezha district, Irakli Vero (appointed by the Party of Labour), orders Mihal Duri press printing company to stop the publication of "Koha Jone" for, allegedly, it is illegal.

July 10,1991: The Chairman of the Committee, I. Vero and the director of finance order the closing down of "Koha Jone".

1992

April 11,1992: Blerim Çela, head of State Control Commission sends a team of his employees, namely Bashkim Spahia and Ymer Stafa, to check the activities of "Koha Jone".

May 15,1992: The editor in chief of "Koha Jone" addressed a letter of protest to the President of the Republic, Mr. Sali Berisha, chairman of the parliamentary Commission Teodor Keko, to the General Attorney, Mr. Maksim Haxhia, though which he demands the immediate stopping of the state-sponsored blackmail towards "Koha Jone". Positive reactions came only from Teodor Keko and Maksim Haxhia. The president did not comment, however both the abovementioned were removed from their positions.

July 9,1992: Lezha district Attorney by decision No. 457/1 discharged Nikollë Lesi from the accusations.

July 14,1992: Blerim Çela demands, through official note No.316/4, to the General Investigation Office of the Republic the initiation of the case against Lesi.

August 7,1992: Attorney's Office of Lezha district by official note No.129, notifies Blerim Çela the refusal to start a penal case.

October 9, 1992: The attorney in the Directorate of the Control and Investigation in the

General Attorney's Office, Ferdinand Gjino, decided to declare non valid the decision of August 7, 1992 of Lezha district Attorney as well as that of the former General Attorney of the Republic.

October 18, 1992: The trial Çela vs Lesi takes place in Lezha.

November 30, 1992: Blerim Çela withdrew his accusation and lost the case

December 30, 1992: Lezha district Attorney's Office as well as General Attorney's Office after the accusation made again by Çela block all the documentation of "Koha Jonc".

1993

January 11, 1993: Republics' General Attorney, Alush Dragoshi, set up an investigation group composed of Vaske Simeoni, Petrit Fusha and Gjergj Rudi to investigate on the editor in chief of "Koha Jone".

March 27, 1993: Aleksander Frangaj, editor in chief of "Koha Jone" is put under home custody because of the publication of an article titled "Tens of tanks head on eastern border"

May 1, 1993: Aleksander Frangaj is declared innocent. Released in the court room.

May 2, 1993: General Attorney, Alush Dragoshi, protests for the release of Frangaj and asks the Court of Appeal for reconsideration.

May 10, 1993: Attorney, Dede Pali officially decided to stop the case against Nikollë Lesi by decision No.217

June 20, 1993: The trial in the Court of Appeal. Frangaj again is declared innocent

1994

January 31, 1994: The editor in chief Aleksandér Frangaj and the journalist Martin Leka are imprisoned, accused by the minister of defence of leaking military secrets.

February 25, 1994: The trial against Frangaj and Leka starts in Tirana district Court.

February 28, 1994: Martin Leka is condemned with 18 months imprisonment. Aleksandér Frangaj is declared innocent

March 21, 1994: The Court of Appeal decided 18 months custody for Leka and 5 for Frangaj

May 3, 1994: President of the Republic issues a decree of pardon for journalists Leka and Frangaj

May 31, 1994: The Supreme Court declares both journalists innocent.

December 19, 1994: The deputy editor in chief of "Koha Jone" is detained in the police station while he was reporting on a strike by students of the university, branch of construction, medicine and sports.

1995

November 1, 1995: Dynamite explosion in the house of the director of "Koha Jone" Nikolle Lesi

November 3, 1995: After the denunciation of an officer of the SHIK (National Intelligence Service) Ylber Meraja, regarding an article written by journalist Arjan Çani in July 1994, a new case is started against editor in chief Aleksandér Frangaj

December 13, 1995: A criminal act carried out by police forces. Journalist of "Koha Jone" Gëzim Ashimi is barbarously beaten.

December 20, 1995: Artan Kalaja, the chief of the Durrës district police forces blocks a "Koha Jone" vehicle. Five days later another vehicle falls pray of Durrës police forces.

1996

January 26, 1996: The distribution of daily "Koha Jone" is blocked by police forces. Seven transport vehicles of "Press Transport" Agency of "Koha Jone", are as well blocked.

January 31, 1996: Journalist Altın Azizaj is arrested by the police while carrying out his job.

February 8,1996: A parliamentary commission is set up to investigate on "Koha Jone" after accusations were made of alleged financing from Serbia

February 14,1996: deputy Prime Minister Vrioni orders the closing down of 14 newspapers, among which was "Koha Jone" as well

February 26,1996: The entire staff of "Koha Jone" was detained for hours in the police stations Late same night police forces and security service people checked the house of N Lesi. Actually, seven transport vehicles of "Koha Jone" are being kept in Police Commissariat No.2.

March 2,1996: The director of "Koha Jone" Nikolle Lesi is falsely accused of arm possession without having the necessary licence. (It was a hunting gun for which the police itself had issued the permission) He was kept in the police station for more than three hours.

March 3,1996: Traffic police forces of Commissariat No 2 demand the payroll of the staff of "Koha Jone".

March 5,1996: At 12.00 hours in Tirana District Court took place the trial against "Koha Jone" editor in chief Aleksander Frangaj accused by a secret service agent.

April 30 1996- June 12,1996-(Up to date) Both telephone lines of our newspaper have been cut by order of general directors of SHIK (National Intelligence Service) Presently our newspaper works without a telephone.

May 25, 1996- The personal car of the director of Koha Jone is being unjustly blocked by the Lezha district police, where its is still kept.

May 28,1996- The Durresi District Court decides the return of KJ vehicles, which were blocked by the police since December 12,1995. The chief of Police Commissariat refused to acknowledge the Court's decision, which was in favor of Koha Jone

June 10,1996- The Tirana Prosecutor's Office starts the penal case against Koha Jone Director due to indictment by Lezha head of SHIK

Director of Koha Jone
Nikolle Lesi



Relation on the Harassment the Newspaper Dita Informacion has had from the Government

May 14, 1996


BY THE EDITOR

The daily *Dita Informacion* is an independent daily which started on April 11, 1993 as a biweekly. Distinguished until the change to daily as an investigative broad-sheet, it has created not few problems to protagonists of scandals, but of course, to itself as well.

It has had problems while reporting about the Scientology sect, the first paper to report about them and their plans in Albania. Someone attempted to stab opinion-writer, Apollon Baçë, for his stories critical to them. We believe the sect has followers even in special segments in the government. This has been written about even in the 1994 report of the New York based Committee to Protect Journalists.

But the newspaper has been threatened also from government bodies. Though it is the paper in which demands for revisions of reporting have been the smallest.

For example, the Albanian government, through its spokesperson, has threatened to start a legal case against Dita in 1994, when it ran some stories on a scandal about cement industry, where the Albanian Premier was thought to have been involved.

Unidentified persons, suspected to be of the secret service, harass and threatened the people in the newspaper to write stories which favor the government. That has continued and is continuing.

Many times the government press have accused the directors of the newspaper, against the laws in act, as people who have served for the Communist Secret Service, or even to foreign Secret Service, which we believe, is their reaction to the stories in our newspaper.

We believe that *Dita Informacion* has kept a mature and responsible attitude towards its readership, keeping out the hate speech. This is also a result of the fact that a major part of its staff are brewed with Western culture. In our newspaper there are people who are studying, or have studied in Germany, Italy, and the United States. But this has probably the reason why the reaction against it has been that strong from the government. We have felt harsh pressure especially from the repressive bodies of the government.

The climax of the harshness was undoubtedly during the general elections campaign of May 1996. A reporter of the newspaper, Bardhok-Lala, 24, was savagely beaten by persons he identifies as people from the government's Secret Service. He is of that opinion, because of the fact that those people knew well what was he writing about, and have demanded him information about the foreign secret service funding of the newspaper, or the relations of those with the newspaper, on possible sources of the newspaper in the Albanian Secret Service, and finally, they pardoned him only after he promised to leak them information.

According to Lala, he has been beaten 28 times with a stick in the head only, besides the uncountable ones in the back and in the feet. He was beaten with a revolver in the face, has been shot near the face four times with a gun. They also put a stick within the nose. He is now suffering from depressive crises, and has not showed yet to the job. He has denounced the case to the Prosecutors office, which has asked for him, after Albanian President was engaged to punish the individuals who have beaten him.

The same day, the director of the newspaper, Shpëtim Nazarko, was hit with a fist by a bodyguard of the Albanian high leadership, for the reason of being the director of Dita.

The intentional electricity cut-offs or threats by telephone, are only the surface of the whole acts of harassment against the newspaper, which may be considered the least affiliated with political parties in Albania.

THE ECONOMIC CENSORSHIP

The Taxes

The taxes that the albanian press is subject to are higher than those applied in the case of the alcoholic drinks or the sale arms. So the paper is taxed about 25%, the taxes on the revenue is 30%, the taxes on the advertisements is 15%, while the taxes on the goods circulation 15%. The telephonic tarifs are 5 times higher than those applied in Europe.

The average revenus of the albanian population are of an amount of 40 dollars per month. The most popular newspaper costs 30 cents. So, for the retired persons, the students and the intellectuals, only the purchase of a daily represents 30-50 per cent of the daily income. The only and most important printing establishment in Albania receives about 60 per cent of the sale price of a single newspaper. The subscription system is quite inexistent.

The transport system of the newspaper is in a very bad state. The newspapers are distributed only in 30 per cent of the albanian national territory.

The revenues assured from the advertisement are very low. Such a fact is due to two reasons. In Albania there is no productive capital, and secondly the albanian businessmen fear to pass commands of advertisement to the newspapers of the opposition. The vendors of journals sell them in the streets and their only source of living is the selling of the newspapers. Frequently they dont render back the money that they have accumulated from the sale of the newspapers, because no one can constrain them to do so. Often the readers that cannot afford to buy the newspapers make a compromise with the vendors of the newspapers. They give to them only a small percentage of the price of a newspaper and after reading them they render back the newspapers. In this way, the publishers of the newspapers receive no money and they continue to be ruined gradually.

The newspapers are not accorded telephonic numbers and frequently their telephonic lines are jammed. During difficult situations, the agents of the security service take care, through the pressure exercised on the vendors of the journals to eliminate the newspapers of the opposition parties from the circulation.

Hypetum Nazareo




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365

AKT DESHMI MJEKOLIGJORE Nr. 1
NBI EKZAMINIMIN E SHTETASIT ARBEN IMANI

Sot ne dt. 30.05.1996, ne Sherbimin Qendror Universitar te Eksperimentit Mjekoligjor Tirane, ne eksperimentet mjekoligjore Dr. Bardhyl Çipi dhe Dr. Sokrat Neksi, sipas kerkeses se se gjyqtarit Alfred Vasili te Gjykates se irethit Tirane, ekzaminova shtetasin Arben Imami, i biri i Fariut dhe Satberit, vjeç 38, me adresë Rr "Fadil Rada" Pall.11, Sh.1, Ap;17.

RRETHANAT E KESHTJES : I demtuari referon se ne dt. 29.05.96, rrath orës 12.00, he qender te Tiranes eshte rrahur me grushta, shkelma dhe shkopilj nga persona te panjohur.

EKZAMINIWI OBJETTIV : Ankon per'dhimbje te kokes, qafes dhe gjoksit. Ne shpine nudit shpatullave ka kater ekimoza ne trajte shiritash me njyre ravi te zbete ne gjatesi nga 20 cm te e madhja, me e vogla 6cm, me tjeresi 2 cm. Ne pjesen e zverkut ka 4 ekimoza te grregullta, ravi rra 4 x 3 cm deri 2 x 1 cm. Ne kujjen e ajte ka 2 zona vezake te grregullta mavi e shprehur, ne pervara 1 x 6 cm i dhe 6 x 5 cm. Ne prekje njaft e dhimbshme. Ne te dy lleret nga brenda ka 5 x 6 cm ekiotike, avi te zbata 3 x 2 cm dhe 2 x 1 cm. Ne prakarahun e djathje nga brendi, ne te treten e mesme nje ekiroze mavi 5 x 3 cm. Ne qafe, ne perpara poshti kolice Adavit ekiroze ne jeshile, e grregullt, 5 x 3 cm. Ne pjesen e perparme te kujpit majte ka nje zone ekiotike 7 x 4 cm ne grupe ekinozash pumetiforme. Ne ftyrre nuk het re nje enjte e dy buzave qe jepin nje asimetri te ftyrres, si qevera e poshti e te cilera, ne res ka nje place ne tre shtura. Ne aman e djathje te lallit ka tre ekimoza te vogla, te grregullta 2 x 1 cm dhe 0,5 cm. Ne kundin e qytit te n'fusse poshtme, ekiroze mavi e grregullt 3 x 2 cm. Ne viziten tek stomatologu (Dr. E. Zupan) perrenden kontuzioni i ftyrres qe i te cy nafullave, plata e buzave si dhe :

1 - frakture dhe hematore e dherlit te trete siper majtas. Pasi i perpurnua kurpra dherbi u mbush, 2 - Luksacion komplekt i dy dherbeve te ripari preren (CFL - bet e gendres) te ciljet u ekstirpan. Ju be nje mobilizim provizor.

K O N K L U Z I O N

Duka u nisur sa ne siper arrijme ne perfundir se :

1 - Ne trupin e te demtuarit Arben Imani u konstatuan tre ekimoza ne kafsi, nje ekiroze ne kundin e nafullave te poshti dijetur, enjte e buzave qe nje place ne anen e brendshme te buzer se poshti, te shqerjara te thyerjen e njih dherbi te lukacion komplekt i dy te tjerve. Kater ekimoza ne zverk qe nje gushe. Kater ekimoza gjatesore ne shpine. Dy ekimoza ne ijen e majte, nje





- 2 -


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ne supin e majte dhe gjashte ne te dy parakrahet, te gjitha keto ne karakteristikat e permendura ne pjesen pershkruase te aktit.

2 - 4 ekimozat gjatesore ne shpine jane shkatuar me nje rjet te forte te gjate siq mund te jete edhe shkopi i gomes ,huri etj. Te tjerat jane shkatuar me rjet te forte mbretes.

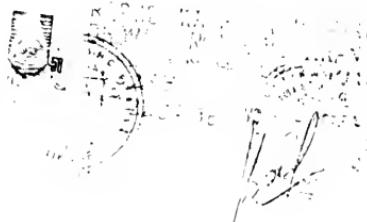
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(Dr. SHK Sokrat Meksi)

(Prof. Dr. Bardhyl Çipi)

(As. Prof. Zatos Harito)



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**MEDICAL LEGAL STATEMENT No. 365
ON EXAMINATION OF THE CITIZEN ARBEN IMAMI**

As per request of judge Alfred Vasili of Tirana district court today date 05/30/1996 at the Central University Service of Medical Legal Expertise Tirana we medical legal experts Dr. Bardhyl Çipi and Dr. Sokrat Meksi examined the citizen Arben Imami, son of Fahri and Satber, 38 years old. His address is: "Fadil Rada" str. P. 11., Shk. 1., Ap. 17.

Circumstances: The damaged refers that on May 28, 1996 at about 12 o'clock in the center of Tirana has been severely beaten by unknown persons.

Objective examinations: The patient complains of pain in the head, neck, and chest. On the back between the shoulders there are four ecchymoses like pale mauve strips of length: the longest 20 cm, and the shortest 6 cm; and with the width 2 cm. On the nape there are four irregular ecchymoses of deep mauve color of 4x3cm up to 2x1cm dimensions. On the left flank there are two oval, irregular deep mauve zones of 12x6cm and 6x5cm dimensions, while touching very painful. In both forearms from the inside there are echimotical areas of 5x6cm, pale mauve zones of 3x 2 and 2x1 dimensions. In the right forearm from the inside, in the third middle there is a mauve ecchymoses of 5x3 cm. On the neck, in the front part under Adam's apple there is a green irregular ecchymoses of 5x3cm. In the front part of the left shoulder there is an echimotical zone of 7x4cm with groups of punctiforme ecchymoses. In the face it is obvious swelling of both lips which make the face asymmetrical, especially the lower lip which has a wound of three sutures. On the left side of the forehead there are three small, irregular ecchymoses of 2x1 and 0.5 cm. In the right angle of the lower jaw there is a mauve irregular ecchymoses of 3x2 cm. From the visit at the dentist (Dr.E Zhupa) we can mention facial and both jaws contusion, wound in the lip as well as:

1. Fraction and hematite of the third upper tooth, on the left. After processing of the curpra the tooth was filled. 2. Total luscation of two upper teeth (at the center) which were extorted. A temporary mobilization was made.

CONCLUSION

Regarding the above mentioned we conclude that:

1. In the body of the damaged Arben Imami were observed three ecchymoses on the forehead, one ecchymoses on the right angle of the lower jaw, swelling of lips and a wound

in the inside of the lower lip. A broken teeth and total luxation. Four ecchymoses in the nape and one in the neck. Four lengthy ecchymoses on the back. Two ecchymoses on the right flank. One on the left shoulder and six in both forearms, all of these with the characteristic mentioned in the descriptive part of the act.

2. The four lengthy ecchymoses caused by a strong long device which could even be rubber club, sticks etc. the others have been caused by sharp pointed device.

3. The above wounds belong to the category of wounds that have caused permanent work incapability for more than 9 days (Article 89 of the Penal Code).

MEDICAL LEGAL EXPERTS

(Dr. of Sciences Sokrat Meksi)

(Prof. Dr. Bardhyl Çipi)

(As. Prof. Fatos Harito)

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NOTERIA TIRANE

Nr. 4354 Rep.

V E R T E T I M

Vertetohet firma e perkthyeses Elona Plaku, e njojur prej meje, e cila perktheu sa me siper nga shqipja ne anglisht, njelloj me originalin, dhe e nenshkroi para meje, dhe une noterja e vertetoj sipas ligjit.

NOTERE

Violeta Isara
NOTERE
VIOLETA ISARA
TIRANE

Tirane, me 22/12/1996

REPUBLIC OF ALBANIA
NOTARY OFFICE TIRANA

No. 4354 Rep.

C E R T I F I C A T E

I confirm the signature of Elona Plaku, known by me, who translated the above material from Albanian into English, the same with the original, and signed in my presence, and I, the Notary confirm according to the law.

NOTARY

Violeta Isara
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VIOLETA ISARA
TIRANE

Tirana, on 22/12/1996

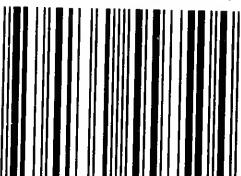


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